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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PALAZZO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 2, 2015.

I hereby appoint the Honorable STEVEN M. PALAZZO to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2015, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

PERU AND ILLEGAL LOGGING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I have long championed the concept that trade done right requires strong environmental protections as well as enforcement of those commitments.

Many of our most serious environmental challenges, from climate change to deforestation to protecting the oceans from being strip-mined with industrial fishing practices, can only succeed in the context of enforceable international agreements.

Democrats reached an accord with the Bush administration through the May 10 Agreement, which is one tool. The 2008 Lacey Act amendments are another. There are now a host of trade-related tools to fight some of the most egregious environmental challenges.

In the Peru Free Trade Agreement, we were able to include an entire Forest Annex that requires Peru to sustainably manage its forest resources and protect their forests, under penalty of law. The impact of those tools, however, is dependent on our willingness to use things like the Peru Free Trade Agreement.

Recent events present a chance to put those tools to work to fight against illegal logging in Peru, a country where 60 percent of its land is in the Amazon rainforest, and estimates on the rate of illegal logging in that area are as high as 80 percent.

Last week, over 70 shipping containers of what is suspected to be illegally harvested timber from Peru was stopped at the Port of Houston. This action was taken after we received compelling information from OSINFOR, Peru's independent body tasked with oversight of their forests and wildlife resources.

Troublingly, this shipment is linked to a company whose logging practices are already suspect, having been one of 10 companies whose export documents were found fraudulent during Operation Amazonas 2014, an operation carried out in coordination with INTERPOL to investigate illegal logging in Peru.

While it appears as though the timber is under American control, the same bad actor is once again conveying illegally harvested timber out of Peru's Amazon rainforest and to its borders for export.

Thanks to the courageous action of a handful of individuals at OSINFOR—again, Peru's independent agency tasked with overseeing that their timber laws are followed—a shipment of timber likely of illegal origin has been stopped at the border in Peru. As a result, unfortunately, these brave people are being threatened with bodily damage or death.

Given the savage history of these criminals, no doubt lives are in jeopardy. One only has to look last fall at how serious these threats were when Edwin Chota, an environmental activist trying to end the practice of illegal logging, was murdered by criminals that lead such illegal activity. Just 3 days ago, OSINFOR's office was firebombed. Thugs are threatening to storm government offices if OSINFOR does not ease up and go quietly into the night.

Mr. Speaker, this morning, I urge my colleagues to insist that the administration stand up to these criminals, these murderers, and that we will not turn our back on the courageous individuals, but support them in their efforts. We have the tools to do exactly that, thanks to the Peru Free Trade Agreement, as well as the Lacey Act.

The shipment held in Houston should be thoroughly investigated and, if evidence permits, we should bring to bear the full weight of the 2008 Lacey Act amendments by pursuing civil fines, forfeiture of timber and equipment, and criminal penalties, if supported by the evidence. And, frankly, also pushing back on Peru. The shipment held in Peru must also be investigated and the bad actors brought to justice. The Peruvian Government should immediately make clear they stand behind OSINFOR as an independent oversight agency.

At a time when we will be considering the Trans-Pacific Partnership, which has promising protections, it is more important than ever that the administration make sure that they are not merely protections on paper, but protections backed by action. It is time to step up with robust enforcement.

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If we are serious about combating climate change, we must not only hold ourselves accountable for following our carbon-cutting commitments, but other countries as well. Peru, for example, has made protection of the Amazon rainforest the centerpiece of its proposed climate proposal.

When unsustainable logging practices contribute to 17 percent of total global carbon emissions annually, it is clear that progress cannot be made on this front and many others if we do not stand up and empower people in Peru and elsewhere who want to do the right thing and fight the illegal trade in timber. The administration has a perfect opportunity to show good faith by acting now.

HONORING CHEF TOM PRITCHARD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. JOLLY) for 5 minutes.

Mr. JOLLY. Mr. Speaker, I rise today to remember a veteran, a legendary chef, and a man known as the godfather of the Tampa Bay hospitality industry.

Mr. Speaker, I rise today to honor a dear friend to so many in the Pinellas County and Tampa Bay community, Mr. Tom Pritchard, executive chef of the Bay Star Restaurant Group. Tom passed away this past week following surgery to ease the effects of Parkinson's disease. He was 74 years old.

Anyone who knew Tom will tell you that he was a storyteller who was larger than life. He had his own unique sense of style and had a way of making anyone he met feel like they had known each other for decades.

Born in Rochester, New York, Tom's first restaurant job came at the age of 14, when he started work shucking oysters for the legendary Guy Lombardo at his East Point House restaurant on Long Island.

After high school, Tom left home for college in Iowa before being drafted by the U.S. Army in 1964. Tom was stationed in Germany for several years before being honorably discharged in 1967.

After serving his country, Tom continued to spend time abroad, living in London, Mexico, Morocco, Scotland, and owning restaurants in France and Spain. Eventually, he moved to Florida, and in the 1990s he partnered with Frank Chivas, a seafood broker who would become a dear and lasting friend of Tom's. The two would open Salt Rock Grill in Indian Shores. Under Tom's guidance and tutelage, Salt Rock's kitchen became a training ground for up-and-coming chefs.

Always quick to help others and share recipes, and with his inventive approach to cooking, Tom became a Florida food legend. One longtime food critic wrote of Tom's generosity: ''`Mentor' is too trite a word for what Tom Pritchard did for literally hundreds of people, young and old, in the kitchen.''

Tom would go on to oversee the kitchens at Island Way Grill and Rumba Island Bar and Grill in Clearwater and Marlin Darlin in Belleair Bluffs—along the way, always helping others. You see, it was Tom's generosity outside the kitchen that defined the man he was.

As one director of a Florida charity wrote this week, Tom set the platinum standard for community support, underwriting substantial food and labor costs annually at benefits for numerous nonprofit organizations, like the Abilities Foundation, Clearwater for Youth, and the Ryan Wells Foundation.

The Abilities Foundation alone raised $3.7 million from 25 years of wine and food tastings thanks to the help of Tom Pritchard and Frank Chivas. Tom and Frank's mere presence at a fundraiser influenced the participation of countless sponsors and attendees.

Tom was always quick to lend his time and talents to benefit programs that helped disabled and other individuals find jobs and live independently. Mr. Speaker, let it be known to all that Tom Pritchard gave more than he took.

Tom was preceded in death by his father, Thomas Alden Pritchard, Sr.; mother, Ruth McCarthy Pritchard; brother, Jeffery Lloyd; and son, Adam D. Ostfeld, who also served his country in the Armed Forces. He is survived by his loving wife of 24 years, Jody D. Hale; her husband, Daniel Hale; sisters, Cynthia A. Tischer, Laurie N. Pritchard; and brother, John C. Pritchard.

Mr. Speaker, the Pinellas County community, the Tampa Bay community, and our culinary and charitable communities throughout Florida lost a treasure with the passing of chef Tom Pritchard.

I urge my colleagues to join me in remembering his contributions and his legacy of helping others and serving our Nation.

HONORING WENDELL PHILLIPS ACADEMY HIGH SCHOOL FOOTBALL PROGRAM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DANNY K. DAVIS) for 5 minutes.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise today to salute the remarkable young men of Chicago's Wendell Phillips Academy High School football program, their parents, administrators, coaches, and teachers.

Last Friday, in a stunning 51–7 win against Belleville's Althoff High School, the Wildcats won the 4A title for Public League's first football State crown since the playoffs began in 1974, completing an amazing 13–0 season. The 51 points scored by Phillips set a State title game record.

The game featured record-shattering performances by a host of Wildcat players, including senior quarterback Quayvon Skanes, who rushed for 141 yards and four touchdowns on 13 carries, passed for an additional 44 yards and another touchdown—just to prove that he could throw the ball. Quayvon is headed to the University of Connecticut next year.

Other thrilling performances included Kamari Mosby, who ran for 151 yards and a score; Qadeer Weatherly, who pulled in Quayvon's pass for a 36-yard touchdown; Amir Watts, who returned an Althoff fumble for a 19-yard score; and a 21-yard field goal by Isaac Osei to demonstrate the Wildcats' comprehensive offense.

The Phillips football program, the second largest in the Chicago Public Schools, is a study of the potential and the problems of urban education. With more than 90 student athletes, the varsity team is led by 19 seniors, all of whom are on track to graduate.

In an after-game interview with the Chicago Tribune, Phillips' Coach Troy McAllister noted: ''When we go to practice, we go with footballs. There are no sleds, no chutes, no kicking nets, nothing like that. It goes to what our coaches have done and what these young men can do.

''We have five stipends for coaches. Everywhere else it is 10 to 14. That makes a huge difference, but these young men have bought into what we are trying to accomplish, and they have done something that nobody else has done.''

These young men are not just athletes. They are also proud scholars and are members of a school which last year saw 100 percent of its seniors accepted to college, with more than $5 million in scholarships.

In his after-game interview, Principal Matt Sullivan summed it all up. He said: ''It is fantastic. We want to be the beacon, the shining beacon in the Bronzeville community.''

Mr. Speaker, all of Chicago is thrilled and delighted by the performance of this team. I offer my congratulations to their parents, administrators, coaches, and teachers for going above and beyond the call of duty. I extend my congratulations to each and every one of those young men and wish for them continued success in everything they set out to do in the years to come.

□ 1015

REAFFIRMING STATES' RIGHTS TO IMPOSE ECONOMIC SANCTIONS AGAINST IRAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. ROSKAM) for 5 minutes.

Mr. ROSKAM. Mr. Speaker, yesterday, I introduced H. Con. Res. 100, a bipartisan resolution that reaffirms the rights of the 50 States to maintain economic sanctions against Iran.

The Iran Sanctions Act of 2010 encourages and authorizes States to maintain such sanctions, which play a powerful role in preventing U.S. dollars from funding Iran's illicit activity, including its support for terrorism,

human rights violations, and imprisonment of innocent Americans.

Thirty States, to date, Mr. Speaker, have imposed sanctions against Iran. Both Democrats and Republicans have worked at the State and local level to enact laws to ensure that State assets are not invested in and State contracts are not awarded to companies that do business with Iran.

As long as Iran continues its outrageous activity abroad, it is our right and it is our duty to make sure that we are not complicit in funding its terrorism, its human rights abuses, and its other activity that is contrary to the U.S. national interests and global stability.

Now, there is some ambiguity and some confusion about State sanctions that are authorized under the so-called Iran deal of this year. This legislation clarifies, it puts an exclamation point, and it reaffirms the legal right of States to maintain these sanctions as enacted into law under the 2010 statute until Iran ends its support of terrorism and reverses its abhorrent human rights violations.

Please join my colleagues Representative TED DEUTCH of Florida, Representative DAN LIPINSKI of Illinois, Representative MIKE POMPEO of Kansas, Representative BRAD SHERMAN of California, and Representative LEE ZELDIN of New York, along with me, in this effort to ensure that the right of States to maintain these important sanctions against Iran prevails.

We can ensure that States have this right and this authority from preventing their resources from funding Iranian terrorism and human rights abuses.

END HUNGER NOW—MONTE'S MARCH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, last week, I had the pleasure of taking part in Monte's March, an annual hunger walk in western Massachusetts. The march started in 2010 and is named after its founder, Monte Belmonte, a local activist and WRSI The River radio host in Northampton.

Over the course of 2 days, we walked 43 miles across western Massachusetts, from Springfield to Northampton to Greenfield, to raise awareness about the very real problem of hunger in our communities and help families in need this holiday season.

We had a great group walking with us this year, led by Monte, and including Andrew Morehouse, the executive director of the Food Bank of Western Massachusetts, University of Massachusetts Amherst Chancellor Kumble Subbaswamy, Northwestern District Attorney David Sullivan, and a host of other local officials and community members.

I want to say a special thanks to my colleagues Congressmen RICHIE NEAL and JOE KENNEDY for joining us along the way and helping to support those in need.

Also joining us on that march were Sean Barry of Four Seasons Liquor in Hadley, Erika Cooper of Tea Guys in Whately, Ben Clark of Clarkdale Fruit Farm in Deerfield, Natalie Blais of UMass Amherst, Steve Fendel from Gill, Marty Dagoberto, Dan Finn from Pioneer Valley Local First, Chia Collins from Northampton, Kristen Elechko, Georgian and Rick Kristek, and many, many, many more.

This year's walk was extra special for me because my son, Patrick, walked the entire route with us both days.

Mr. Speaker, every day, 48 million Americans struggle with hunger, including 15.3 million children. We live in the richest country on Earth and have greater access to food than any previous generation, so the fact that hunger continues to be so widespread in America is absolutely stunning.

Monte's March was started in 2010 to do something about it. This year's walk was the longest and biggest effort yet.

Bright and early last Monday morning, our group of walkers began our march in the Mason Square neighborhood of Springfield. The Mason Square neighborhood is one of those communities in western Massachusetts most in need, with so many families living in poverty and facing food hardship. In fact, childhood poverty rates have been as high as 59 percent in this area alone.

For these families, overcoming hunger is especially challenging because the neighborhood is a ''food desert,'' an area where affordable and healthy food, like fresh fruits and vegetables, are hard to come by. With no full-line supermarket within walking distance for residents to purchase food at affordable prices, we wanted to make sure that the Mason Square neighborhood was front and center in this year's march.

It also gave us the opportunity to thank the Mason Square Health Task Force for their tireless efforts to address hunger and to show our deep appreciation to local feeding programs like St. John's Congregation Church.

We then marched through Springfield, Chicopee, and Holyoke before finishing day one in Northampton. Seventeen miles were behind us, with day two still to go.

We started on Tuesday morning walking through Northampton, then Hadley, and then Amherst, where we stopped at the Amherst Survival Center.

The Amherst Survival Center is an amazing place. Since 1976, they have welcomed everyone who has come through their doors with open arms and a kind word. They help those who are struggling to meet their basic needs. All of their services are free. They run a food pantry, community meal program, drop-in health clinic, job-readiness workshops and job fairs, and a host of other important programs.

After our brief visit, it was back to the pavement, through Sunderland and Deerfield, before finally ending in Greenfield.

We walked a total of 26 miles on day two. Along the way, we felt the incredible support of the western Massachusetts community. People stopped us along the way to add canned food and other donations to our shopping cart. They came out of their homes and their businesses and schools, or they stopped their cars along the side of the road to offer words of encouragement.

Along the way, we helped raise more than $150,000 for The Food Bank of Western Massachusetts, which distributes hundreds of thousands of pounds of food throughout the emergency feeding network in the region.

Mr. Speaker, by the end, we were sore and tired, but we were exhilarated by people's generosity and support. When you add it all up, the outpouring of donations and support from our community will help provide more than 450,000 meals to families in need.

The good news is that hunger is a solvable problem. We just need to muster the political will to help more communities like these in Massachusetts and across the country.

There is not a single congressional district in the United States where hunger isn't an issue affecting the daily lives of kids, families, seniors, or veterans. We all have a stake in this, and with strong grassroots support from communities in all 50 States, just like the ones we visited over 2 days, we have the power to make a real difference and help the 48 million Americans struggling with hunger.

Mr. Speaker, during this holiday season, I urge my colleagues and all Americans to remember those who are struggling with hunger. They are our neighbors or colleagues and our friends.

I want to thank everyone who supported this year's Monte's March and especially want to thank the incredible community partners on the ground for their tireless efforts day in and day out. You inspire us, and we thank you for your service.

FIXING AMERICA'S SURFACE TRANSPORTATION ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. CURBELO) for 5 minutes.

Mr. CURBELO of Florida. Mr. Speaker, I rise today in support of the Fixing America's Surface Transportation Act, or FAST Act. This critical legislation will provide 5 years of fully paid-for transportation projects across the Nation to repair our aging infrastructure.

The FAST Act makes important reforms to highway and vehicle safety and expands public transportation to make Federal investment more cost-effective. It also expands funding available for bridges and roads.

And, most importantly, Mr. Speaker, this bill was done through the regular order process, with transparent amendments considered and all Members having their say.

I would like to highlight several initiatives that are important to my south Florida congressional district included in the FAST Act.

Language was included in this bill that I offered with Representative TITUS to protect our seniors and pedestrians in congested traffic areas. While total traffic crash fatalities are down nearly 25 percent in the last decade, pedestrian deaths are up, hurting children and the elderly most.

This language will encourage States to adopt safe and adequate accommodation standards for roadways and sidewalks when developing future Federal projects.

Also included in the FAST Act is robust funding levels for University Transportation Center programs, with much-welcomed increases over the next 5 years.

One hundred twenty-five universities across the country participate in the UTC program, conducting critical research to develop future transportation technologies. Florida International University, in my district, is a world-recognized leader in accelerated bridge construction, and I am proud to advocate for them and all the UTCs here in Congress.

I also introduced a bill earlier this month with Representative LIPINSKI that was similar to this language and appreciate all the bipartisan support UTCs have received.

Lastly, I would like to thank Chairman GIBBS and Ranking Member NAPOLITANO for their work in the creation of the Water Infrastructure Finance and Innovation Act, or WIFIA, in last year's WRRDA legislation. This is a perfect example of good government and will be truly revolutionary in addressing the dire water infrastructure needs throughout the country.

I represent Miami-Dade County, one of the 10 largest water and sewer departments in the Nation, that services 2.3 million people daily. The 14,000 miles of pipeline date back more than 40 years, and repairs are much-needed.

Included in the FAST Act was a fix to the WIFIA program to allow for the use of tax-exempt municipal bonds in these infrastructure projects. Earlier in the year, I introduced a bill with bipartisan support that proposed this fix, and I am grateful it was included in the FAST Act to allow local governments the tools necessary to repair our water systems.

Lastly, I would like to thank Chairman SHUSTER and Ranking Member DEFAZIO and their Senate counterparts for all of their hard work in crafting this important legislation. This final product embodies the essence of bipartisanship, and I am proud to serve on the Transportation and Infrastructure Committee.

I urge the House and Senate to pass the FAST Act to strengthen our Nation's transportation networks. I know my neighbors in south Florida, especially those living in Kendall and South Dade, will be very grateful.

SEVENTH ANNUAL SOUTHEAST FLORIDA REGIONAL CLIMATE LEADERSHIP SUMMIT

Mr. CURBELO of Florida. Mr. Speaker, I rise today to give accolades to Monroe County and the city of Key West for holding their Seventh Annual Southeast Florida Regional Climate Leadership Summit.

For 7 years, they have created a forum for people to come together and discuss the importance of mitigating the effects of climate change. I thank them for their continued efforts and for being leaders on this critical issue that warrants serious attention.

Like me, they believe that humans are a contributing factor to climate change and that our years of living irresponsibly have caught up with us, leaving a blemish on our planet. They have dedicated time to making a positive impact on our world, and I applaud them for their valiant and enduring efforts to see this task through.

To all the attendees of the climate summit in beautiful Key West, thank you for your efforts to make the world a better place. I am confident that if we work together we can do right by future generations and leave them a cleaner, more beautiful planet.

NELSON SOBRINO, STUDENT COUNCIL PRESIDENT

Mr. CURBELO of Florida. Mr. Speaker, I rise to recognize a student in Homestead, Florida, Mr. Nelson Sobrino, and congratulate him on his recent election as student council president of Somerset City Arts Conservatory.

President Nelson, who is 13 years old, ran on a platform of adding additional school spirit days and helping the less fortunate with food during the holiday season.

The story of President Nelson's path to success at such a young age has a lot to admire. In first grade, he was diagnosed with autism. However, Nelson has overcome difficult odds and has not only been a very successful student academically, winning awards like ''Reading Plus'' for Web-based comprehension program, but has excelled socially as well.

His teachers, parents, and fellow students have been a tremendous support network and have greatly contributed to President Nelson's success.

So, President Nelson, I proudly recognize your leadership of the student body of Somerset City Arts and look forward to visiting with you soon.

CLIMATE CHANGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. GARAMENDI) for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, today, the world leaders, more than 100, are gathered in Paris to talk about an existential threat to all of us. This is not just the Syria issue, it is not just Iraq, it is not just terrorism, but it is about this planet's ability to continue to sustain life as we know it. It is about climate change.

Here in Washington, it is as though it is a different universe, not the universe in which we live, but a completely different one.

What I want to do is to basically cover this issue today of climate change. Let's start with the underlying problem, the emission of carbon into our atmosphere.

□ 1030

For thousands and thousands of years, the atmospheric carbon has remained below 300 parts per million. This little spike here at the end—this year we reached 400 parts per million, and the consensus of scientists around the world is that this level of carbon will significantly increase the ambient air temperature of the world and the temperatures of the ocean, having a profound effect on the world's ability to sustain itself, like the production of food.

The last 2 years—2014 and this year—are going to be the hottest ever recorded in recent centuries. What does that mean? Well, it means that the ice in Greenland is rapidly melting, as it is in the Arctic Ocean as well as Antarctic. Sea levels are rising and will continue to rise both because of the melting ice and the warmer temperature of the ocean, which causes the water to expand.

All of this is a serious problem for us if we care about the production of food and if we care about our ability to survive. Here in Washington, yesterday, on the floor of this House of Representatives, it was a different universe.

It was not the universe in which we live. It was not the planet on which we live. It was some very, very strange place, because yesterday the majority in the House of Representatives passed two pieces of legislation that would wipe out the Clean Power Act, an effort by the administration to reduce the production of coal energy here in the United States.

Now, there is a problem in the rest of the world with the use of coal, and we still have that problem here in the United States.

In The Washington Post yesterday there was a picture of Beijing, China. You couldn't even see across the street. The article goes on to say that it is principally from the production of coal.

So while we have a chance here in the United States—and we have been at this for many years, reducing the effect of coal and the production of coal both in terms of pollution as well as in terms of its carbon emissions—the House of Representatives, the majority party, yesterday voted to take not a step, but to take a whole mile backwards and eliminate the ability and the effort of this Nation to continue to reduce our consumption of coal and the pollution that is caused from there.

Not only that, Mr. Speaker, but today, maybe tomorrow, we will be taking up H.R. 8, a bill that would again turn us away from the world

problem and the solutions to it and to take a mighty step back into the last century. H.R. 8 is said to be energy security. Well, it is the security of the coal and oil industry to be sure, but not the security of our Nation's ability to survive in a climate-changed environment.

It does, in fact, increase the production and the use of coal. It does, in fact, allow for the export of oil. We want to be energy independent, but this legislation would allow the export of oil without any regulation at all and without any consideration for the American economy or the American automobile user.

We are going in the wrong direction here. We ought to recognize, as 120 leaders in Paris are recognizing today, that we have a serious climate problem. We must address it not with the policies that we are seeing here on the floor of the House of Representatives this week, in complete denial of what is happening around the world.

Mr. Speaker, it is time for us to wake up. It is time for us to be aware of what is happening.

RECOGNIZING AND HONORING THE 35TH ANNIVERSARY OF THE MARTYRDOM OF SR. DOROTHY KAZEL, JEAN DONOVAN, SR. ITA FORD, AND SR. MAURA CLARKE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. FORTENBERRY) for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, with great solemnity and gratitude, today I wish to honor four grace-filled women. Each of them were called to live their faith in the nation that bears their Savior's name. Each worked tirelessly to bring hope, healing, and joy to the poor of El Salvador. Each were bound together in tragedy on December 2, 1980.

Maryknoll Sisters Ita Ford and Maura Clarke, Ursuline Sister Dorothy Kazel, and a young woman named Jean Donovan each traveled different paths to El Salvador. In the words of Sister Dorothy, they were united by a powerful sense of responsibility to ''spread the Gospel to people who needed help.''

They sought to bring peace and comfort to vulnerable persons caught in a maelstrom of political turmoil on the cusp of a brutal 12-year civil war that followed the 1980 murder of newly beatified Archbishop Oscar Romero, who was killed by an assassin's bullet as he said Mass.

Mr. Speaker, Sister Dorothy and Jean had each joined a mission team from the diocese of Cleveland, Ohio. Together they worked to ferry food and medical supplies to the sick and wounded, in whom they saw the face of Christ.

Sister Dorothy had been engaged, but postponed her marriage to test a call to religious life. Jean Donovan wanted to get closer to Christ in the poor, though her friends hoped that she would leave El Salvador.

Reunited with her fiance briefly to attend a friend's wedding in Ireland, Jean actually chose to stay in El Salvador a little bit longer. She was drawn by the beauty and warmth of the Salvadoran people.

Sister Ita and Sister Maura, both from New York and born nearly 10 years apart, had each sought a life of service through the Maryknoll religious sisters. Their paths led through Chile and Nicaragua, respectively, and ultimately to El Salvador, where they each responded to Archbishop Romero's call, a plea for help.

It has been said of Sister Ita that ''her twinkling eyes and her elfin grin would surface irrepressibly, even in the midst of poverty and sorrow.'' Sister Maura, for her part, ''was outstanding in her generosity, always saw the good in others, and could always make those whose lives she touched feel loved.''

Mr. Speaker, all of these women could have left. Instead, they remained in El Salvador to be faithful. Sister Maura said, ''There is a real peace here in spite of many frustrations and the terror around us. God is very present in His seeming absence.''

They gave all that they had to the poor and homeless, whose difficulties were compounded by the counterinsurgency that indiscriminately leveled many innocent lives in its crossfire.

Mr. Speaker, while in college myself, pondering the essence and meaning of things, trying to figure out my own pathway, I heard the news of these women's deaths. The rape and murder of these selfless women greatly disturbed me. I remember going to Mass and, overcoming my own hesitancy, offered a prayer for them during the community's Prayer of the Faithful.

The love that moved these four women to fly into the eye of the hurricane—because they could not bear to see vulnerable people suffer without recourse, without help—profoundly affected me and remains a part of my life today.

As a Member of the United States House of Representatives, I am honored to laud the example of these exceptional heroines. Having met with members of El Salvador's congress, I have witnessed firsthand now the work of reconciliation that is going on, the healing of lives haunted by painful memories.

When I first learned about the decades-long outpouring of love in service, vigils, prayers, and charitable programs that were inspired by the example of these courageous women, I felt moved to actually take some small part in these celebrations, thus this talk today.

In recalling their noble sacrifice, it is my fervent hope that responsible nations throughout this hemisphere will see in the lives of these martyrs of El Salvador a path to genuine prosperity. We can honor them fittingly by embracing the truly needy with integrity, peace, and justice, in genuine mutual solidarity as they live their lives.

HONORING KENTUCKY GOVERNOR STEVE BESHEAR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 5 minutes.

Mr. YARMUTH. Mr. Speaker, I rise today to honor the 61st Governor of the Commonwealth of Kentucky, Steve Beshear, whose tenure as Governor comes to a close this week.

Of his many significant accomplishments, none came easily or by happenstance. In fact, national basketball championships for both the Universities of Louisville and Kentucky notwithstanding, it is tough to think of a less enviable time to walk into the Governor's mansion.

Within a year of his taking office, the global economy imploded, creating the worst economic crisis in our lifetimes and leading to unemployment as high as 10.7 percent. The health of our State was dismal, with one in five Kentucky adults carrying no health insurance. Mother Nature didn't do him any favors either. During one 11-month span, three presidential disaster declarations were issued for Louisville alone.

To say you wouldn't want to be the Governor to face those challenges is an understatement. To say you want Steve Beshear to be your Governor addressing those challenges, well, that is just common sense.

Our recovery didn't just happen during the tenure of Steve Beshear. It happened because of Steve Beshear. Because we had a Governor who wasn't concerned with what was popular or politically savvy, he was committed to doing what needed to be done.

He said no to the calls for European-style austerity and instead invested in our Commonwealth—in our people, our infrastructure, and our education—giving Kentucky's economy an immediate jolt and keeping our communities and workforce competitive for the long haul.

The results speak for themselves. Today unemployment is half of what it was during the Great Recession, under 5 percent for the first time since 2001. Site Selection magazine says there is no better State in the Nation for economic development.

Companies are investing in Kentucky like never before, $3.7 billion in investment announced just last year. Kentucky is doing business like never before, with exports of $27.5 billion last year, four times the national average.

Mr. Speaker, we are building like we haven't done in a long time. When I say our infrastructure was crumbling, it is not hyperbole. Bridges were literally falling down. Now they are going up. Leaders have been talking about the need for a new Ohio River bridge in Louisville for nearly 50 years.

But Governor Beshear doesn't talk the talk. He walks the walk. I will be proud to walk with him across the first of two new Ohio River bridges for the first time this weekend.

But it is his stands that he will be most remembered for. If you asked

him, Steve will tell you he is just doing what is right. But that takes courage. Thankfully, Kentucky's Governor has had no shortage of that.

He reinstated an executive order prohibiting LGBT discrimination against government workers, made Kentucky the first State in the Nation to adopt Common Core and the second to adopt New Generation Science Standards.

When it came to medical care, he absolutely refused to play politics with the health of his State. He expanded Medicaid and led the creation of the Nation's most successful health exchange, Kynect, and reduced the number of Kentuckians without health insurance from 20.4 percent to 9 percent, the best improvement in the Nation.

In my district alone, the uninsured rate dropped 81 percent. For the first time, quality, affordable health insurance is a reality for hundreds of thousands of Kentuckians. It is thanks to Steve Beshear.

Of course, he has been working for the people of Kentucky since long before he was a Governor, and he never did it alone. Throughout his decades of public service, he has depended on the strength of another great Kentucky leader, his wife and our first lady, Jane Beshear.

Mr. Speaker, I have been honored to be Steve and Jane's ally these past 8 years and I have been lucky to have them as mine as we worked to revitalize Louisville's manufacturing sector, address our community's infrastructure needs, and make sure Kentucky children, veterans, and working families are taken care of.

Over the past 30 years, Mr. Speaker, I have had the honor of calling Steve Beshear my Attorney General, my Lieutenant Governor, and now my Governor. But, above all, I have been most proud to call him my friend.

In his first inaugural address in 2007, Governor Beshear noted that the path of progress in Kentucky ''will involve new thinking and new ideas. It will require cooperation and patience. And it will demand courage.''

Steve, you successfully embraced those new ideas, you promoted cooperation and patience, and you had the courage not only to serve, but to serve us well. I wish you the very best as you leave public service.

I want to thank you, First Lady Jane Beshear, and your devoted staff for doing the right thing on behalf of the people of the Commonwealth of Kentucky.

Mr. Speaker, Kentucky is a stronger, more prosperous, and a far healthier place because of the dedication and the work of our Governor Steve Beshear.

THE ELEMENTARY AND SECONDARY EDUCATION ACT MUST BE REAUTHORIZED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, I rise today to urge my colleagues to vote ''yes'' on the Every Student Succeeds Act, which will reauthorize the Elementary and Secondary Education Act.

Mr. Speaker, this bill goes a long way to rectifying the problems that were created by No Child Left Behind. We have seen 14 years now of Federal encroachment on local schools, one-size-fits-all testing, and local school districts that are not allowed to apply local solutions to local problems.

Mr. Speaker, the version of ESEA that is coming to the floor later today will fix these problems. The bill will streamline the annual assessment process and will ensure that our teachers are not required to teach only the material that will be on these tests. It will remove the high stakes from these assessments and will ensure that school districts have the local control over the assessment process.

More importantly, the bill will allow States to develop their own academic content and achievement standards that are designed to suit the needs of their students. Teachers and administrators will be given the freedom to truly educate their students and will be able to innovate and develop real solutions to their problems without fear of a bureaucrat in Washington looking over their shoulder.

Mr. Speaker, though I rise in support of this bill, I must say that I am disappointed that the final version to come out of conference did not include the text of an amendment that I offered that was adopted in H.R. 5, the Student Success Act.

□ 1045

My amendment would have forbidden States from requiring school districts to divert Federal education dollars away from the classroom and into State pension funds to pay off unfunded liabilities of the past.

In my home State of Illinois, the State government is presently requiring school districts that choose to use Federal education dollars to pay teacher salaries to divert over one-third of their Federal education dollars to the State's Teachers' Retirement System to cover past financial mismanagement. This amounts to a Federal bailout of State pension programs at the expense of schools and education. Mr. Speaker, this only happens in Illinois.

So what does this mean for the 10th District of Illinois? In 2014, Wheeling Community Consolidated School District 21 had to send over $140,000 to the State to cover past pension obligations. That is 35 percent of the $400,000 of total Federal dollars that came to Wheeling that Wheeling spent on teachers. If Wheeling had only had to pay the normal pension cost, the current pension obligation, it would have had to have contributed $32,000. That means that Wheeling was forced to divert over $100,000 to the pension system to cover past pension obligations at the expense of teachers in the classroom. At $40,000 per year, this would have enabled them to hire an additional 2½ teachers that could have been educating our children, reducing classroom sizes, and making each of our students receive the individual attention that they need to succeed.

In Waukegan, Illinois, this problem is even worse. Waukegan spent $2.6 million in Federal education dollars on teachers and was forced to divert over $900,000 annually to the State to cover past pension obligations. If the Dold amendment had been law, Waukegan would have had an additional $700,000 to hire more teachers, or in the case of District 60, they would have been able to offer full-day kindergarten. That makes an enormous difference in children's lives—and parents' lives for that matter.

More tragically, because Illinois does not require the same kind of contribution when teacher salaries are paid with State or local dollars, this policy is taking away Federal education dollars from our neediest and most vulnerable children, precisely the students that the ESEA was intended to help.

Mr. Speaker, my amendment would have fixed this problem once and for all and would have ensured that education dollars intended for the students of Wheeling and Waukegan and everywhere else where Federal dollars can make a real difference in our children's lives would have actually gone to help these students.

I will continue to fight on this issue and will continue to work with my colleagues to make sure that the Federal dollars that are given to school districts are not diverted away from the neediest to cover up financial mistakes of the past.

Mr. Speaker, Every Student Succeeds Act is by no means a perfect bill, but it is a significant upgrade and a step forward that goes a long way toward fixing the problems posed by No Child Left Behind.

I urge my colleagues to vote for this bill and ensure that our children's getting the education they deserve is something that we can all count on.

WAR ON COAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, as we hear talk of bills on the floor and international climate meetings with the world community, I want to bring to my colleagues' attention and to you, Mr. Speaker, the real destruction that is going on in the fossil fuel areas of our Nation, one that I represent, the Illinois coal basin.

I want to start by quoting the mayor of a town named Galatia in two articles from the paper called The Southern. In a November 5 article, he basically says: ''Without the coal mines, we are going to be in dire straits. That's all there is to it.''

The mayor is referring to what we have come to the floor numerous times to talk about, and you actually heard

it from my colleague today, the war on coal, the intent by this administration to take coal out of the portfolio of electricity generation—and, really, any other fossil fuel they can get their hands on, whether it be crude oil or whether they will then move to natural gas.

Later on, the mayor, in another article from the same paper, on November 12, says because the New Era Mine in Galatia is now going to close, this closure, ''It impacts everybody,' said David Harrawood, the village's mayor. 'It doesn't just impact coal miners. It impacts trucking businesses, the stores, all their vendors. It's not just one segment. Down here, we're all tied together.' ''

So that is the human toll of the war on coal. The human toll is lost jobs, lost benefits, bankruptcies, which then creates a risk to the promised pension payments to the retirees. It becomes a loss of revenue to the taxing districts, to the counties, to the villages, to the first line responders, support for our schools. It dries up the ability for the local grocery store to operate, the local hardware store, and it is, as the mayor has said, devastating to southern Illinois.

Now, when you hear the debate internationally, it is carbon dioxide, CO_2. In fact, I always talk in the committee about then-Senator Obama and his quote to the San Francisco Chronicle, when he was interviewed by the editorial board, when he was asked about climate and his plan, and here is his quote. You can YouTube it. It is easily accessible. ''So if somebody wants to build a coal-powered plant, they can; It's just that it will bankrupt them.''

That has been the plan since 2008. That has been the plan in the first 4 years of his administration, and that is what he is striving to do, pushing with all his force to not only do here in the United States, but do in an international venue. He is being successful, as we find out in the announcement of the closure of the mine in Galatia.

The total number of coal mines opening each year has fallen to its lowest point in at least a decade. The total number of operating coal mines has hit its lowest point on record, according to the Energy Information Administration, which has records back to 1923. At the beginning of the Obama administration, over half the Nation's electricity came from coal. That number is down to 38 percent as of 2014.

Now remember, coal is the most efficient, the cheapest source of electricity generation and creates a baseload capacity that is very critical to keep the lights on. If you lose the baseload generation and you rely on renewables, you really do risk keeping the lights on, and you assure the Nation of higher costs of electricity.

So that is the war on coal, and that is kind of where we are right now with the administration.

So what has been the response on the floor of the House? What have we done? Well, fortunately, yesterday we took a parliamentary procedure and a process called the Congressional Review Act to address the ability of the administration to try to promulgate regulations without the authority of Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 54 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, we give You thanks for giving us another day.

Once again, we come to You to ask wisdom, patience, peace, and understanding for the Members of this people's House.

Give them the generosity of heart and the courage of true leadership to work toward a common solution to the many issues facing our Nation.

As true statesmen and -women, may they find the fortitude to make judgments to benefit all Americans at this time and those generations to come.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. QUIGLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. QUIGLEY 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

BORDER SECURITY AND SYRIAN REFUGEES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I share the concerns of the majority of Americans regarding allowing Syrian refugees into this country. Most important, I am worried that a terrorist could slip through, just like one of the terrorists involved in Paris.

But we also can't lose sight of another vulnerability, a geographical vulnerability, our southern border, because our border is not secure. This President refuses to secure it.

Yesterday, I spoke with the director of the Texas Department of Public Safety, Steve McCraw, and he made it very clear that we are seeing another surge at the border. We are seeing folks from Syria come across. This is troubling and wrong.

The President must secure our border and protect our national security. If he refuses, we in this Congress must stop him by any means possible.

NO POLICY RIDERS

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, weeks ago, this body avoided a government shutdown by passing the Bipartisan Budget Act. Now we have to pass an omnibus.

Unfortunately, many of our appropriations bills contain divisive policy riders that threaten to create another partisan standoff. There is an appropriate time and place to debate these provisions: in the authorizing committees.

It seems that some Members have learned nothing from the brinksmanship that almost led to a government shutdown. It is hard enough to pass these measures without these divisive, controversial riders. We need to put the unnecessary fighting behind us.

The Bipartisan Budget Act represents a chance for us to return to reasonable compromises and regular order. I call upon my colleagues to follow up on that accomplishment and pass a clean omnibus package.

SMALL BUSINESS SATURDAY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Saturday marked the fifth annual Small Business Saturday, a day when we recognize the importance of local businesses by shopping at these community businesses.

Saturday's event was particularly meaningful to small businesses in South Carolina, many of which were recovering from the tragic thousand-year flood in October.

In South Carolina, over half of our State's workforce is employed by a

small business. Congress must do more to protect these vital job creators from excessive taxes and regulations.

I am grateful to the National Federation of Independent Business, NFIB, along with the U.S. Chamber of Commerce, encouraged by the South Carolina Chamber of Commerce, led by Ted Pitts, as well as local Chambers of Blythewood, Chapin, Greater Columbia, Greater Irmo, Cayce-West Columbia, Lake Murray, Lexington, Batesburg-Leesville, Greater Aiken, Barnwell, Orangeburg, Midland Valley, and North Augusta, for their support of small business across the Second District of South Carolina.

In conclusion, God bless our troops, and may the President, by his actions, never forget September the 11th in the global war on terrorism.

VETERANS PROOF OF SERVICE RECORDS SHOULD BE PROVIDED FREE OF CHARGE

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, the Department of Defense transfers a veteran's service record to the National Archives 62 years after they are discharged from the military.

100,000 archived records per year are requested—to determine eligibility for a medal, to research one's medical history, or to request a change in discharge status.

The Department of Defense provides records to veterans for free, but once the records are sent to the Archives, veterans are charged $25 to $75 for a copy of their file.

Mr. Speaker, this is unacceptable that a veteran should have to pay the government for proof of their sacrifice and service. What is more, this fee is levied on veterans who are most likely living on a fixed income.

This fee is unnecessary and inexcusable, and I ask my colleagues to support legislation that I am introducing today to eliminate it.

REMEMBERING EZRA SCHWARTZ

(Mrs. WALORSKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WALORSKI. Mr. Speaker, it is with great sadness and a heavy heart that I rise today to honor and remember 18-year-old Ezra Schwartz, a Massachusetts teenager whose life was tragically taken in Israel last month. Ezra was spending his gap year studying at a yeshiva in Israel and was one of the three people shot and killed last week by a Palestinian terrorist.

The continued violent attacks targeting Israeli civilians are, without qualification or exception, acts of terror and deserve full condemnation. Attacks on innocent civilians, whether they are American, Israeli, or Palestinian, have zero justification, and our response to such terrorism cannot be silence.

My heart and prayers go out to the friends and family of Ezra, and we honor those whose lives have been lost by such hateful actions.

Mr. Speaker, please join me in remembering the young life of Ezra Schwartz.

THE RECENT ATTACK IN COLORADO SPRINGS

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, last Friday, a Planned Parenthood clinic in Colorado Springs became the target of the 351st mass shooting in the United States this year.

Three people were killed: an Iraq war veteran, a mother of two, and a local police officer. They are now among the more than 12,000 Americans who have died in gun-related incidents since the start of the year.

The shooter in Colorado Springs is reported to have used a semiautomatic, AK–47-style firearm, an assault weapon that has its origins in Stalin's Soviet Army.

This firearm and others like it are weapons of war, not tools for self-defense. They serve no purpose other than to kill. And we can no longer permit the proliferation of and easy access to these weapons in the United States.

That is why, in the coming weeks, I will be introducing legislation that reauthorizes the Assault Weapons Ban. During the 10 years this ban was in effect, localities reported as much as a 72-percent decline in gun crimes involving assault weapons.

Today, 59 percent of American voters support a ban on the purchase of semiautomatic and assault weapons. The only thing that stands in the way is Congress' failure to act. The time for action is now.

HONORING THE LIFE OF JOHN J. PIAZZA, SR., FOUNDER, ARMED FORCES MILITARY MUSEUM

(Mr. JOLLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOLLY. Mr. Speaker, I rise today to honor and recognize a Floridian who has spent the last two decades making sure our veterans and their heroic acts are never forgotten.

I rise today to commend John J. Piazza, Sr., the founder and president of the Armed Forces Military Museum in Largo, Florida.

A veteran himself, Mr. Piazza served from 1955 to 1960 in the U.S. Marine Corps and the Marine Corps Reserve.

In 1998, he founded the Armed Forces Military Museum, exhibiting a personal collection assembled into a mobile museum, with heavy equipment displayed at schools, community events, and the Florida State Fair.

But, in 2008, he was able to fulfill his dream of opening a permanent home for great military memorabilia, vehicles, and equipment, both his own and those donated by those who have served.

Mr. Speaker, today, Mr. Piazza celebrates his birthday, and I urge my colleagues to not only join me in sending him very best wishes but to thank John for his lifelong dedication to honoring the American heroes who have served our Nation and for helping educate the young men and women who today have the opportunity to learn about valor and sacrifice and our Armed Forces in Largo, Florida.

THE DISPLACED JOBS RELIEF ACT OF 2015

(Mr. AGUILAR asked and was given permission to address the House for 1 minute.)

Mr. AGUILAR. Mr. Speaker, today I rise to urge my colleagues to support the Displaced Jobs Relief Act of 2015, a bill I introduced yesterday to help small businesses that have been hurt by foreign competition.

As the Inland Empire of California fights back from the Great Recession, we need to make sure that we use every tool available to help our small businesses recover.

Small businesses were dealt heavy blows in the past decade, both from our weakened economy and from our flawed trade agreements. International trade plays an important role in our economy, but history has taught us that not all agreements are fair. Sometimes they take a toll on local businesses that don't have the ability to handle unfair foreign competition.

That is why I introduced this bill. Trade Adjustment Assistance has played a crucial role in retraining and placing Americans in good-paying jobs for generations. If we increase the availability of funds, we can help protect hardworking Americans from losing business to unfair competition overseas.

My bill would increase the authorization for TAA for businesses up to $50 million for each fiscal year, beginning in 2016 and running through 2021.

Historically, these programs have always authorized $50 million a year, and, in fiscal year 2011, House Republicans cut the levels to $16 million, barely 30 percent of what funding was.

This is an important program that can help businesses in the Inland Empire and across the Nation, and I urge my colleagues to support me and the Displaced Jobs Relief Act for 2015 for the sake of American workers and businesses.

HONORING THE LIFE OF SHERIFF AL ST. LAWRENCE

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to remember Chatham County Sheriff Al St. Lawrence.

Last Tuesday, Sheriff St. Lawrence died after a long fight with cancer. He was 81 years old. He was a dedicated law enforcement professional for Chatham County for over 50 years, 23 of those years spent as sheriff.

A U.S. Air Force veteran, he joined the Chatham County Police Department in 1959, after leaving the service. He was appointed to the State Peace Officers Standards and Training Council twice. He was named Police Chief of the Year three times during his tenure.

In 1992, he ran for sheriff and won, being reelected five times. In his 20 years as sheriff, he oversaw numerous changes to the department, including the construction of a new jail.

He was a gentleman, a professional, and a mentor. He was a man of few words and believed in personal responsibility. He loved the Sheriff's Department, and he loved the people that worked there.

I commend Sheriff Al St. Lawrence for years of service to his country and to the Chatham County Sheriff Department. We should all strive to achieve the success and admiration that Sheriff St. Lawrence achieved through his years of service.

INJUSTICE FOR LAQUAN McDONALD

(Mr. FOSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSTER. Mr. Speaker, we have seen an uproar over the death of Laquan McDonald, and rightfully so. But, sadly, the injustice for Laquan goes much deeper.

Laquan McDonald suffered more tragedy in his short life than anyone should have to bear. As a child, Laquan was abused at home. He was then handed over to the Department of Children and Family Services, where he was sexually molested, not just once but in two different foster homes.

At 17 years old, Laquan was shot 16 times by an on-duty police officer. Even after death, the injustice continued. It took 400 days before the officer who shot Laquan faced charges.

We should all be ashamed at how our society failed Laquan McDonald.

Mr. Speaker, I rise today to remind my colleagues that Black lives matter, that Laquan McDonald's life matters, and justice matters. We should all be working to ensure that Laquan gets the justice that he has been denied for so long and to end the cycle of poverty, abuse, and injustice that shaped his life.

□ 1215

MEDICAL DEVICE TAX

(Ms. STEFANIK asked and was given permission to address the House for 1 minute.)

Ms. STEFANIK. Mr. Speaker, I rise today to continue to lead the fight to repeal the medical device tax. This is a tax on revenue rather than profit. It leads to some of the highest corporate tax rates in the world and creates undue harm to an industry that not only creates jobs, but also improves our health and well-being.

A company located in my district, NuMed, employs over 80 people and produces stents and other vascular equipment. The medical device tax prevents NuMed from increasing their budget on research and development by 15 percent.

AngioDynamics, another company in my district, employs 950 people and creates more than 100 different medical devices, including the AngioVac System used to treat blood clots. Recently, one of their executives said, ''The $1 million that AngioDynamics pays in Federal excise taxes on medical device company revenues could instead be used to employ another 10 to 15 people.''

We must repeal this burdensome tax to help create jobs and improve patient outcomes.

THE FEDERAL BUDGET

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, the bipartisan budget agreement signed into law last month helped to avert another manufactured political crisis here in Washington. But our work is not done. If we don't pass a spending bill before December 11, working Americans and seniors will face another dangerous government shutdown.

Sadly, Mr. Speaker, Republican leadership continues to threaten this process over radical policy riders like defunding Planned Parenthood. Unfortunately, in his first press conference, the new Speaker could not rule out another Republican government shutdown.

As we face tremendous threats to our national security, we need to set politics aside. Some things in this House have to be exempt from political gamesmanship, and we would certainly think that keeping government open and functioning would be one of the things that we take out of the political conversation.

Mr. Speaker, the American people want us to do our job. Our job is to make sure that this government runs, and we can't do that if we continue to use politics and the threat of a government shutdown to achieve what can't be achieved through the normal legislative process.

Mr. Speaker, we need to do our job.

HONORING JIM HOFFMAN OF WAYNE COUNTY, NEW YORK

(Mr. KATKO asked and was given permission to address the House for 1 minute.)

Mr. KATKO. Mr. Speaker, I rise today to honor one of Wayne County, New York's most dedicated public servants, Jim Hoffman, and to send him off on a well-deserved retirement.

Jim's esteemed career in public service began when he enlisted in the U.S. Navy as a young man. It continued with his 30 years with the New York State Police, five terms serving as town supervisor in Williamson and 10 years as chairman of the Wayne County Board of Supervisors.

Jim has faithfully served the constituents in the Town of Williamson and all of Wayne County. Under his leadership, Wayne County is certainly a better place to live. He has lowered taxes in Williamson, kept taxes stable across the county, supported our region's vast community of growers and farmers, emerged as a leader in the fight against Plan 2014, and made the Town of Williamson the first in all of New York State to function 100 percent on solar power.

There is no question that Jim's lifetime of service deserves recognition. He has been a great friend, mentor, and confidant throughout my time representing the people of the 24th Congressional District in the House of Representatives. I am so very appreciative for all that he has done for me and for our community.

Jim, congratulations to you on a long and distinguished career. Enjoy your retirement with your children and grandchildren. God bless you.

THE AFGHANISTAN CODEL

(Ms. KUSTER asked and was given permission to address the House for 1 minute.)

Ms. KUSTER. Mr. Speaker, today I rise to discuss our country's ongoing efforts in Afghanistan.

Over Thanksgiving, I had the honor to join five of our other colleagues from the House Veterans' Affairs Committee for a trip to spend the holiday with our outstanding service men and women in Kabul, Kandahar, and Bagram Air Force base.

Additionally, we received numerous briefings from senior military, State Department, and intelligence officials. We heard about the multitude of challenges facing the young democracy in Afghanistan, ranging from hard security challenges emanating from the Taliban, al Qaeda, and even ISIL, to societal challenges in a country with 92 percent illiteracy.

This is now primarily an Afghan fight with just over 9,800 American troops remaining in the country. However, the threat of international terrorism and the need to ensure that the country never again becomes a haven for those seeking to target the United States means that we will need to have a presence in Afghanistan for some time to come.

Mr. Speaker, I was encouraged by the dedication of the men and women in uniform who continue to demonstrate their commitment to our mission. I was also encouraged by the resolve

demonstrated by Afghan President Ashraf Ghani to reduce corruption and rebuild the economy.

Make no mistake, Afghanistan faces many challenges in the years ahead. But with the help of the United States of America, the international community, the tenacity of the Afghan leaders, and some good luck, the Afghan people can hope for peace and greater prosperity in the future.

RULES OF ENGAGEMENT: NO CLIMATE CASUALTIES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, bullet holes are still visible in the walls of cafes, and the graves are fresh for those lives that were stolen by ISIS fighters in the streets of Paris. Meanwhile, the President is in Paris talking about his priority—the real threat—climate change.

While America has been unable or unwilling to defeat ISIS, it has been front and center in the war on climate change. Former CIA Director Mike Morrell said: ''And we didn't go after oil wells—actually hitting oil wells that ISIS controls because we didn't want to do environmental damage. . . .''

The President has decided that the threat to the environment is more serious to him than the threat of ISIS terrorism.

Mr. Speaker, oil funds ISIS' murderous reign of terror, but the President's new limited war doctrine has one rule of engagement: no climate casualties.

Mr. Speaker, it is time for bombs to rain down over the ISIS war chest. Stop the flow of the blood oil. Not one more life should be lost because of a negligent and backwards strategy of a limited war based on climate change, an environmental-waged war that promotes not harming the environment over harming people.

And that is just the way it is.

GUN VIOLENCE

(Ms. ESTY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESTY. Mr. Speaker, yesterday this House rose once again to observe a moment of silence for victims of gun violence, this time for the police officer, the veteran, and the mother of two who were gunned down in Colorado Springs nearly 3 years after 20 schoolchildren and 6 brave educators were shot to death at Sandy Hook Elementary School in my district. It is time for moments of silence to end. It is time for action.

Gun violence is a public health crisis that deserves this House to take action now. That is why we should establish a select committee on gun violence prevention.

We are all understandably concerned about terrorism; yet, this House just yesterday blocked action to prevent terrorists, those on the Terrorist Watchlist, from acquiring deadly weapons to kill Americans.

Mr. Speaker, it is time for this House to truly honor victims of gun violence. I invite my colleagues to join us next week for the 3rd Annual National Vigil to Prevent Gun Violence on Wednesday, December 9. The vigil will be held at St. Mark's Church on Capitol Hill.

Please come and join me. Stand with the families and the victims of gun violence from my district and across the country.

RECIPROCAL DEPOSITS

(Mr. EMMER of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. EMMER of Minnesota. Mr. Speaker, to realize their American Dream, many Minnesotans rely on access to financial products like business loans and mortgages. Not only do these financial instruments benefit individuals and families, but they help build healthy communities.

Unfortunately, in some rural and urban areas, outdated regulations threaten the ability of our community banks to offer these important financial products.

Together with Congresswoman GWEN MOORE, I have introduced legislation that will address this problem. H.R. 4116 allows certain community banks to trade large bank deposits over a secure network.

This will enable depositors to do business with local community banks while still maintaining FDIC insurance instead of seeing important and necessary financial capital that could be used for local projects, purchases, and investment leave local communities.

Mr. Speaker, this legislation is good for Minnesota. And please forgive my bias, but I happen to believe what is good for Minnesota is good for our country.

FIGHTING FOR WORKING AMERICANS

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, Republicans are willing to shut down government in a battle to protect riders that hurt working-class Americans.

During these budget and appropriation debates, Republicans have fought tooth and nail to cut investments in important programs for working families, yet they are willing to spend billions on tax expenditures for wealthy corporations.

On top of that, Mr. Speaker, they want to add riders that gut consumer protections, labor rights, environmental protections, and a woman's right to choose.

A recent poll found that nearly seven in ten Americans agree with the following statement: ''I feel angry because our political system seems to only be working for the insiders with money and power.''

As Members of Congress, I urge colleagues on all sides to come together and heed the American people's wishes and to put their interests up front. We need to make sure that we can pass a budget bill that isn't loaded up with policy riders and more things that would confuse the basic issues.

Mr. Speaker, we cannot abide proposals attacking the National Labor Relations Board and a worker's right to organize. We cannot abide efforts to undermine the Consumer Financial Protection Bureau, which is helping Americans meet their financial needs.

Mr. Speaker, we must stand up for the American consumer. I urge all parties to come together to reach these important goals.

RETIREMENT OF CHARLOTTE DIETRICH, POTTER COUNTY PLANNING DIRECTOR

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate Charlotte Dietrich on her upcoming retirement as planning director of Potter County, located in Pennsylvania's Fifth Congressional District.

Charlotte was promoted to that position in April of 2001 and had previously served as a secretary for Potter County.

In her more than 14 years as planning director, Potter County became the only county in Pennsylvania to have a Wellhead Protection Plan in place for each water authority in the county, mapping each source of water, which is perhaps our most important natural resource.

Additionally, under Charlotte's leadership, the county's planning department worked to address issues surrounding the development of wind power in the county, along with a huge expansion of gas drilling in the Marcellus Shale formation.

A Potter County commissioner recently called Charlotte a born planner. I know those skills have been a great asset for the county in the past decade with so many big changes.

Mr. Speaker, I wish Charlotte the best of luck in retirement.

CONGRATULATING THE UNIVERSITY OF HOUSTON

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to congratulate the University of Houston, one of our Nation's leading public research universities, on its recent string of success inside and outside the classroom.

The University of Houston was designated as a tier 1 research university by the Carnegie Foundation, making it only one of three tier 1 public universities in Texas and one of only three Hispanic-serving institutions that are also tier 1 in the entire country.

For over 90 years, Mr. Speaker, the University of Houston has been providing affordable, world-class education to the people of Houston and Harris County and students throughout the country who come to U of H for its renowned academic programs and professional training.

Our Chancellor Khator is here today in Washington. Thanks to her team and our board of regents for their leadership.

The University of Houston Cougars is one of the top college football teams this season with an 11–1 record, ranked number 17 in the country, and can win the American Athletic Conference and go to a New Year's Day bowl game with a win this weekend.

Mr. Speaker, as a native Houstonian and a graduate of the University of Houston, it makes me proud to see our university succeed and continue to be one of the most important institutions serving our State, city, and our country. Go Cougars.

□ 1230

LET'S GET OUR PRIORITIES STRAIGHT

(Mr. WENSTRUP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WENSTRUP. Mr. Speaker, let's get our priorities straight when it comes to American leadership. Rather than showing leadership in the fight against ISIS or reassuring our allies in this fight, our current administration is still claiming that our greatest threat to national security is, believe it or not, climate change.

I am all about science, but we need to be realistic as well. The biggest threat, according to them, isn't radical Islam, Russia, Iran, or North Korea. It is a couple of degrees Fahrenheit over the next century or so.

And the remedy is costly. At a cost to whom? At a cost to hardworking Americans. Their government mandates mean higher energy costs for families, less energy reliability, higher manufacturing costs, and smaller take-home paychecks.

I know that most Ohio families can't afford this, Mr. Speaker. Coal plants are already shutting down up and down the Ohio River, costing us jobs and reliable energy. We need American leadership that is willing to lead the fight and defeat ISIS.

This week, the House voted to protect American families and consumers from the administration's price hikes. Let's get our priorities straight, Mr. Speaker, and bring the fight to ISIS, not burden Ohio families.

PROTECT AMERICAN FAMILIES

(Mr. DEUTCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTCH. Mr. Speaker, the terrorist attacks in Paris reminded us that ISIS recruits fighters from across the globe and even here at home. Already, the FBI has arrested over 60 Americans connected with ISIS.

The terrorists who attacked Paris got their guns from the black market. But here in the United States, even suspected terrorists are allowed, under Federal law, to freely and legally buy assault weapons, buy guns, and buy explosives.

The GAO reports that, in the last decade, suspects on the FBI's terrorist watch list attempted to buy guns and explosives over 2,200 times. And guess what; 91 percent of the time they succeeded.

Now, I know that the gun lobby opposes any effort to toughen background checks; but can we not, at the very least, agree that this is a matter of national security, that when the FBI has reasonable suspicion that someone is connected to terror, we should stop him from buying weapons of mass murder?

To any of my colleagues on the floor today, is there anyone in Congress who actually believes that you should be able to buy a gun while on the terrorist watch list? Is there anyone in America who believes that?

If you are on the terrorist watch list, you shouldn't buy a gun. Can this body please take this meaningful step to protect American families. Let's put it to a vote, and let's do it before we leave here for the holidays.

HONORING OFFICER LLOYD REED

(Mr. ROTHFUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, I rise today to honor the life, legacy, and work of Officer Lloyd Reed, Jr., who will be remembered for his kind and helpful nature. Officer Reed, a St. Clair Township, Pennsylvania, police officer, was tragically shot and killed last Saturday, November 28, while responding to a domestic dispute.

A graduate of Conemaugh Township High School, he was an avid trout fisherman and a NASCAR and, of course, a Steelers fan.

Officer Reed courageously served his community as a law enforcement officer for 25 years before his life was taken. I offer my prayers and deepest condolences to his loved ones: his friends, his colleagues, and his wife.

All men and women who serve to protect us from harm deserve our deepest gratitude and respect. They choose to risk their lives so that the rest of us can lead peaceful, productive, and meaningful lives.

Officer Reed's life and death are a testament to all those who serve honorably as law enforcement officers.

COMMEMORATING THE LIFE AND LEGACY OF CONGRESSWOMAN SHIRLEY CHISHOLM

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, I rise today to commemorate the life and legacy of Congresswoman Shirley Chisolm.

Last week, she posthumously received the Presidential Medal of Freedom, our Nation's highest civilian honor. Congresswoman Chisholm is truly deserving of this honor.

In 1969, she became the first African American woman to serve in Congress. She was the first majority party African American candidate and the first Democratic woman to run for President. She was also a founding member of the Congressional Black Caucus.

Congresswoman Chisholm—or Mrs. C, as we called her—was my mentor and role model. The course of my life changed, when I met Congresswoman Shirley Chisholm, as a student in Mills College. At that time, I was the Black Student Union president, and I had invited her to speak her eloquent speech focused on the power of women and people of color to change the world. As she said: If you don't have a seat at the table, bring a folding chair. She explained why it was important for everyone to get involved in the policymaking process, because too often the voices of women and people of color are unheard.

I know that today many of us, including myself, would not be here. We would not have the privilege to serve in this great body had it not been for Shirley Chisolm. She is truly deserving of our Nation's highest honor.

I would also want to wish Mrs. C a very happy belated birthday. She would have turned 91 on the 20th of November.

ENVIRONMENTAL PROTECTION AGENCY'S FINALIZED RENEWABLE FUEL STANDARD

(Mr. YOUNG of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to discuss the Environmental Protection Agency's finalized Renewable Fuel Standard, otherwise known as the RFS.

The biofuels industry has created good-paying, technical jobs in rural economies, helped lower gas prices for consumers, protected the environment, and reduced reliance on foreign oil.

On Monday of this week, the EPA finalized RFS levels for 2014, 2015, and 2016. While they are a slight improvement from the proposed rule, they still fall short of congressional intent put into law in 2007. Unfortunately, this decision raises questions about the administration's commitment to rural

America and domestic biofuels. Despite public assurances to support the biofuels economy, the EPA has done just the opposite.

The disconnect is startling. A reduction in RFS levels increases uncertainty and stifles investment in the advanced biofuels sector. We should all be concerned by the precedent this decision sets for other renewable energy sources. It allows the administration to ignore the facts and the law in order to set a standard of its choosing.

The RFS is working. It is time the EPA started listening to the people impacted by their rules and regulations.

I am committed to supporting the biofuels industry, its producers, its farmers, and its consumers, and to continue fighting against any attempts to undermine it.

EVERY CHILD SUCCEEDS ACT

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, I want to speak today about what the House will face on educational changes in bringing forward S. 1177, the Every Child Succeeds Act, which takes us away from No Child Left Behind.

I am very delighted that the Jackson Lee amendment offered during the House consideration of the bill dealing with bullying is now in this bill. It is now the law of the land once we pass it. It supports accountability-based programs and activities that are designed to enhance school safety, which may include research-based bullying prevention, cyberbullying prevention, disruption of recruitment activity by groups or individuals involved in violent extremism, and gang prevention programs as well as intervention programs.

CNN had a report just last night, I believe, that talked about the extensiveness of cyberbullying. One in seven students in grades K–12 is either a bully or a victim of it; 90 percent of fourth to eighth grade students report being victims of bullying; 56 percent of students have personally witnessed some type of bullying; 71 percent of students report incidents of bullying as a problem; 15 percent of all students who don't show up for school report they have been bullied; 1 out of 20 students has seen a student with a gun at a school; and 282,000 students are physically attacked in secondary schools each month. This is something that is a key part of education. To be in an education environment where you want to learn and where you are protected is key.

Let me ask everyone to support this legislation. I am delighted that we have been able to come together in particular around this issue of preventing bullying and cyberbullying in our schools.

RECOGNIZING BEST BUDDIES INTERNATIONAL

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to give recognition to Best Buddies International, an organization that assists individuals with developmental and intellectual disabilities to become thriving members of our society. Founded in 1989, Best Buddies International has positively improved the lives of nearly 900,000 individuals.

I am particularly proud of the success of this organization in my home State of Florida, where there are programs like Best Buddies Colleges in which schools like my alma mater of Florida International University and the University of Miami participate.

This program nurtures one-to-one friendships between college students and adults with IDD so that they can be involved in campus life beyond the classroom.

Through this and other worthwhile programs, participants create a bond that can truly last a lifetime while becoming inspirational leaders and living a more independent life.

I would like to extend my best wishes to Best Buddies International as it continues on this noble endeavor and encourages all to get involved and support people with special needs and their families.

AFL–CIO 60TH ANNIVERSARY

(Ms. ADAMS asked and was given permission to address the House for 1 minute.)

Ms. ADAMS. Mr. Speaker, this week marks the 60th anniversary of the AFL–CIO.

The AFL–CIO serves as the voice for more than 12 million working Americans throughout our Nation. Through negotiating with employers, the AFL–CIO has fought and won better wages, fair hours, and more friendly family policies for millions of Americans. I fought alongside AFL–CIO for decades, and I will continue to stand with them and our workers.

Thank you to the president of the North Carolina AFL–CIO, James Andrews, to Timothy Rorie with the Central Labor Council, Charlie Hines with the International Association of Machinists and Aerospace Workers, Essie Hogue with the Union for Government Employees, and more than 30 other members of the North Carolina AFL–CIO executive board. Thank you.

These leaders pour everything they have into fighting for workers in our communities.

For more than 60 years, the AFL–CIO has represented the best in our unions and has given our workers the support they need to stand up for themselves. On this 60th anniversary of the AFL–CIO, let's continue to support our workers by making sure that they have wages that they can live on, fair hours, retirement protections they deserve, and access to health care they need.

TRIBUTE TO THE LIFE OF HOWARD HENDERSON

(Ms. MCSALLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCSALLY. Mr. Speaker, I rise today to pay tribute to the life of Howard Henderson, a man who was cherished by many throughout southern Arizona.

Howard moved to Douglas, Arizona, in 1984, when he became the owner and president of KDAP–FM and KAPR–AM radio stations. He wasted no time making his mark, both on the air and in the community.

Howard hosted ''The Trading Post'' morning show, one of the most popular and listened-to shows in the area. He broadcasted over 1,000 high school games and supported community events, including serving on the local fair board. His on-air personality and active presence in Douglas earned him the nickname, Mr. Wonderful.

I got to know Howard over recent years. Like many, I was touched by his professionalism, his grace, and his dedication to the community.

On November 20, Howard passed away, after battling cancer, at the age of 65. We will miss hearing his voice on the airwaves and seeing his smiling face around Douglas, but we will never forget his impact on southern Arizona.

HONORING JEFFERSON COUNTY SHERIFF'S DEPUTY JERROD RIGDON

(Ms. GRAHAM asked and was given permission to address the House for 1 minute.)

Ms. GRAHAM. Mr. Speaker, today I rise to honor Jefferson County Sheriff's Deputy Jerrod Rigdon, whose heroic actions saved the life of a Florida State University student in my district.

When Deputy Rigdon arrived at the crash scene on the morning of October 31, the scene was horrific. The car was mangled, and the freshman student inside had life-threatening injuries. His neck was severed, and he was quickly losing blood.

The deputy quickly assessed the scene, worked to stop the bleeding, and called for a helicopter to airlift the victim. Because of his fast response and heroic actions, Billy Fowler, the 18-year-old freshman in the car, is alive today.

I want to thank Deputy Rigdon and all of the north Florida first responders. Thank you for risking your lives to save ours.

□ 1245

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 8, NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015, AND PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT ON S. 1177, STUDENT SUCCESS ACT

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 542 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 542

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes. No further general debate shall be in order. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-36. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 542 provides for a rule to continue consideration of the comprehensive energy legislation on which the House began its work yesterday.

The rule makes in order 38 amendments to be considered on the House floor, 22 of which are sponsored by Democratic Members of the House, 12 of which are sponsored by Republicans, and 4 of which were submitted as bipartisan amendments.

Further, the minority will be afforded the standard motion to recommit—a final opportunity to amend the bill prior to its passage.

H. Res. 542 further provides for a rule to consider the conference report to S. 1177, the Student Success Act, which will move the country's education system beyond No Child Left Behind and return the responsibility of educating our children to local and State authorities, where it appropriately belongs.

As with all conference reports brought before the House, the rule provides that debate on the measure will be conducted under the standing rules of the House and will further provide for a motion to recommit, allowing the minority yet another opportunity to amend the legislation before its final passage.

The amendments that the Rules Committee made in order allow the House to weigh in on a number of important issues within the sphere of energy policy, from crude oil exports, to the Federal Government's policy on fossil fuel usage, to siting and regulatory reforms at the Department of Energy and the Federal Energy Regulatory Commission.

I do wish to highlight an amendment that unfortunately was not made in order, one that I submitted to the Rules Committee, as well, during the markup of H.R. 8 in Energy and Commerce.

It has become clear to me, having worked on the Energy and Commerce Committee over the past 10 years, that the authority given to the Department of Energy to regulate and mandate efficiency standards in consumer products was both initially misguided and ultimately has proven to be cumbersome and unworkable.

Mr. Speaker, I have always been a strong believer in energy efficiency. However, government-mandated efficiency standards have proven to be the wrong approach.

For this reason, I submitted an amendment to repeal the Federal energy conservation standards, which dictate how energy efficient consumer products must be before they can be sold in the United States.

These mandates cover products from light bulbs—and, on this, we have successfully blocked it due to overwhelming public outrage—to ceiling fans, to air conditioners, to heaters, to furnaces. The list goes on and on.

The Federal Government should not be setting these standards. Companies and, more importantly, their customers should be the driving force in this decision. This is about letting the free market drive innovation and technological advances. The government should trust the people to make the right decisions when it comes to the products that they buy.

When the government sets the efficiency standard for a product, that often becomes the ceiling. When the market drives the standard, there is no limit to how fast and how aggressive manufacturers will ultimately be when consumers demand more efficient and better products.

Mr. Speaker, government standards have proven to be unworkable. Every single time the Department of Energy proposes to set a new efficiency standard for any product, manufacturers run to their Members of Congress, asking us to sign letters to the Department of Energy to implore them not to set unworkable standards. It is a predictable occurrence for every rule.

Even in H.R. 8, we are conceding that the Department of Energy is moving in the wrong direction with furnace standards, and Congress has to step in and mitigate. In fact, Congress should be getting out of the way of the relationship between companies and their customers.

How many times during the appropriations process are we asked to vote on amendments blocking the Department of Energy from regulating consumer products because the Federal Government does not understand how to run a business? Instead of that approach, we should be removing the Department of Energy's authority altogether.

The Commerce Clause of the United States Constitution was meant as a limitation on Federal power. The Framers intended that clause to be used to ensure that commerce could flow freely among the several States. It was never intended to allow the Federal Government to micromanage everyday consumer products.

If the clause were truly meant to be that expansive, then the 10th Amendment would be meaningless. There would be no authority left to reserve to the States. This view of the Commerce Clause was reaffirmed most recently by

the Supreme Court in the National Federation of Independent Business v. Sebelius.

The Commerce Clause does not and cannot extend so far as to allow the Federal Government to regulate products that do not pose a risk to health or safety. There is a place for the FDA to regulate safe food and drugs and for the National Highway Traffic Safety Administration to regulate the safety of cars on the roads, but to give the Federal Government the authority to regulate how efficient a product should be really seems to cross a constitutional line.

Congress has already stepped in to block the Department of Energy from setting efficiency standards for light bulbs—not because Congress gained wisdom. It was because the American people understood clearly that this was government overreach at its worst, and they demanded it be fixed.

But the same can and should be said about every consumer product that the Department of Energy has been given the authority to regulate in the efficiency space. From light bulbs, to furnaces, to air conditioners, to ceiling fans, the Department of Energy should not be telling manufacturers how to make their products.

I also want to say one thing about the amendment to H.R. 8 that was submitted by the Representative from Wyoming (Mrs. LUMMIS), which was also, unfortunately, not made in order.

This amendment was based, in part, on a series of GAO studies that I and Senator MARKEY had commissioned to study the Department of Energy's management of uranium issues and its impact on the domestic uranium mining industry.

It is a critical issue for those of us from Western States. And it is my hope, as this body continues to work to protect that industry from further legally suspect actions by the Department of Energy, that Mrs. LUMMIS' wishes will be achieved.

The education conference report, known as the Every Student Succeeds Act, is a bipartisan compromise to reauthorize and reform our education system.

For the past 13 years, our students and our schools have been struggling to meet the rigorous and often unrealistic demands of No Child Left Behind.

No Child Left Behind attempted to improve school accountability by conditioning increased funding on annual testing requirements and pass rates. One hundred percent of students were supposed to be proficient by 2014, with failing schools being required to restructure under Federal guidelines.

A vote against the Every Student Succeeds Act today is a vote to keep No Child Left Behind in place, to keep the onerous average yearly progress standards in place, and to keep the high-stakes testing in place that so many of our constituents deplore.

This compromise, which was worked out in committee, is a vast improvement. It is not a perfect bill by any stretch, but it is a vast improvement. And, really, for the first time, it moves control back into the hands of States and local districts, where it belongs.

It eliminates the waiver process by repealing the adequate yearly progress Federal accountability system. For years, school boards in my district have been requesting relief from having to obtain waivers from the Department of Education.

This bill will allow local districts to set their own testing requirements and standards to determine whether a student or a school is struggling as well as how to improve.

Common Core incentives are eliminated. Let me repeat that. Common Core incentives are eliminated.

The Federal Government created the Federal education regulations and mandated their adoption by withholding funds from schools. This intervention is another example of the Federal Government's prescribing its best practices over those schools and teachers who, every day, get up and go to work to do their best. They know their students. They know how best to teach them. Under the Every Student Succeeds Act, this stops.

This bill also provides States with new funding flexibility by allowing States to determine how to spend their Federal dollars—on average, 7 percent per year. In my State, this is more than $225 million annually that the State will be able to allocate in the most effective and the most efficient way possible.

This bill is a 4-year authorization. That is an important point. Regardless of how you feel about the current administration, it will not be the current administration in 4 years' time. That will allow the next administration, whoever he or she may be, the opportunity to better evaluate education programs and, my hope is, to continue to reduce the Federal role for our students, schools, and teachers in Texas and throughout the country.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

I am glad the gentleman got to education. We heard 9 or 10 minutes about this corporate welfare energy bill, which is not going anywhere, and it is the reason that I don't think there will be any Democrats supporting this rule. But, yes, in this rule is also a wonderful education bill that we are very excited about, and I think we have many Democrats who will want to tell you about it here today. It is exciting to reach this point.

I share the frustration of teachers, of parents, of students across the country with No Child Left Behind. I was on the State Board of Education in Colorado from 2001 to 2007 when we implemented No Child Left Behind. We saw many of the flaws at that time.

We knew the fallacy of the formula for adequate yearly progress, and it was set up in such a way that all schools would eventually fail. We saw the rigid structure that could even inhibit State and district innovation.

□ 1300

I am proud to say today that the bill under this rule is a major step forward. For those who are thinking of opposing it, realize that, in opposing it, you are ensuring that No Child Left Behind will continue exactly as it is.

There is never a perfect alternative. I am sure, if each of us had the opportunity to write our own education bill, we would have 435 different bills.

What we have before us is a good, realistic compromise that can replace No Child Left Behind with a new Federal education law. It is something that is long overdue for the kids of this country, something that will be a boost in morale to teachers and educators in this country, and something that will encourage innovation at the State and district level. I will talk about some of those provisions that do just that.

Just a few weeks ago I met with some teachers and students at Rocky Mountain High School in Fort Collins, Colorado. They expressed their frustration with what has become everyday challenges in K–12 schools and how detached our No Child Left Behind law from 15 years ago is with the realities of education today.

Teachers are spending less time teaching and more time administering high-stakes test or teaching of the test. Students are spending less time learning. As a result, schools have less time to focus on teaching real skills that students need to be ready for college or to be ready for careers in technical education after high school.

Unfortunately, schools across my district and the country have been experiencing the same frustrations as the teachers and students at Rocky Mountain High who I met with a couple weeks ago.

These frustrations are in many ways the result of the outdated education law, No Child Left Behind, which passed in 2001, which was well intentioned, but imposed a one-size-fits-all accountability system, a flawed one at that, on a diverse set of States and districts across our country.

That is why I am so excited to be here on the floor of the House with the opportunity to speak about the new conference report, the new bipartisan, bicameral ESEA Reauthorization, the Every Student Succeeds Act, which passed 39–1 in our conference committee.

I encourage my colleagues on both sides of the aisle to join me and the other conferees in replacing No Child Left Behind with Every Student Succeeds Act.

The Every Student Succeeds Act is the result of years of work by both Chambers. Former Ranking Member and former Chair George Miller, former Ranking Member and Chair Buck McKeon, current Chair Mr. KLINE, and

Mr. SCOTT have worked tirelessly, along with their staffs, over years to be able to put together something that both Democrats and Republicans can feel good about. Because guess what. We both care about kids. We both care about education. It is not a partisan issue.

Now, we might have our differences about how to improve our schools. Let's put all those good ideas on the table. And they were. And they were voiced. We were able to build and improve deeply upon the highly flawed first version of this bill that the House passed, which would have taken Federal dollars away from the poorest schools and given it to wealthier schools.

The House-passed bill would have completely failed students with disabilities by allowing unlimited students to have no accountability by classifying them as students with disabilities for alternative assessments, sweeping under the rug the tremendous amount of progress that students with disabilities have made since No Child Left Behind.

The first version of the bill didn't establish any accountability for graduation or proficiency rates or any parameters for interventions to ensure that we could improve struggling schools.

Now, when the Every Student Succeeds Act finally passed the House, it barely passed. It passed in a purely partisan manner. No Democrats supported the bill, and many Republicans didn't support the bill.

Now, the silver lining of that is that it allowed the process to move forward. I am proud to say, after months of hard work by the staff and the chair and ranking member, the conference committee has succeeded in reporting out a bill that I believe is better than the Senate bill, better than the House bill, and certainly better than No Child Left Behind.

When the conferees met, several Members offered thoughtful amendments that built upon and improved the conference framework even more. For example, Mr. MESSER offered an amendment that would allow funds to be used to educate teachers about best practices for student data privacy.

I offered a successful amendment that increases dual and concurrent enrollment opportunities for English language learners, something near and dear to my heart as the founder of the New America School charter school network.

The conference committee took the framework and turned it into a robust bill that replaces No Child Left Behind with a system that works better for students, for educators, for families, and for schools.

When ESEA was first passed in 1965, first and foremost, it was seen properly as a critical piece of civil rights legislation. For the first time, the Federal Government was making a commitment that every child, regardless of race, background, or ZIP Code, deserved a great education to prepare them for success.

Any reauthorization of ESEA needs to uphold that same commitment to civil rights that was established in 1965. While the Every Student Succeeds Act isn't perfect, I believe that it upholds that commitment to civil rights that is such an important role for the Federal Government to play.

Most importantly, the Every Student Succeeds Act includes strong accountability provisions that ensure that underimproving schools are identified and improved.

Now, title I in Every Student Succeeds Act has come a long way from the original House bill. The number of Members in the House, including those in the new Democratic coalition and the Tri-Caucus, demanded stronger accountability provisions in the conference report. I am very happy to see that the conference report has delivered.

Specifically, the Every Student Succeeds Act maintains annual statewide assessments, which gives States, districts, teachers, and parents valuable information about how students are performing and the tools they need to improve student performance. This data will be broken down by subgroup, by race, by socioeconomic status, to ensure that no students are swept under the rug.

This bill includes a clear framework for identifying consistently low-performing schools and provides resources and ensures that States intervene to improve them. It fully maintains our promise to parents of students with disabilities, the promise that schools will be accountable to ensure that their child is learning and that the unique learning needs of their children are met.

To be clear, these requirements are not the same top-down, one-size-fits-all accountability provisions of No Child Left Behind. The one-size-fits-all formula of adequate yearly progress is rightfully gone. The accountability provisions in Every Student Succeeds Act creates a framework for States as they create their own meaningful accountability plans.

This means that States can be flexible and innovative to create specific policies that work for them. It is a challenge to States to rise to the occasion in meeting the learning needs of all students while maintaining those Federal rails to ensure that no child is left out.

This bill provides additional flexibility around testing by allowing high-quality, Federally recognized tests to also meet the annual testing requirements in high school. In my district, high schoolers take the Colorado State test, the ACT, and, if necessary, AP or IB exams. That is a lot of testing in the final years of high school.

This new flexibility would mean that a pending application that Colorado has for the ACT to stand in place of the Colorado State test would be specifically allowed in statute under this bill, and I couldn't be more proud of that provision.

This bill also maintains strong support for high-quality charter schools, something that I have made a hallmark of my time here in Congress and have been a coauthor of bills that have passed this body overwhelmingly. That charter school language is reflected in this bill.

The language would improve charter school access and service for all students, give new and innovative charter schools those tools they need to meet their goal of serving at-risk and diverse students that ensure that our limited Federal investment supports the replication and expansion of high-quality, innovative charter schools.

Before I came to Congress, I founded two public charter school networks. I know the freedom to innovate and the flexibility to pursue a unique mission within public education can help charter schools succeed at the highest levels.

This bill also contains a commitment to education technology and innovation. The Investing in Innovation program has also been one of my top priorities in this bill.

In Colorado, the St. Vrain Valley School District, which I represent a good portion of, received a $3.6 million innovation grant to expand programs for at-risk kids in seven schools.

Because of that grant, St. Vrain was able to extend the school year at four elementary schools that serve at-risk kids, target math students at risk of failing at two middle schools that implement the STEM Academy at Skyline High School. I couldn't be more proud of this provision.

Now, this rule also has a corporate welfare giveaway to the oil and gas industry. Thankfully, they are two separate votes. So my colleagues can vote against corporate welfare for the oil and gas industry, one of the most profitable industries on the face of the planet, and vote for kids.

I do encourage my colleagues to vote against the rule, which has the oil and gas corporate welfare bill. If it simply was a straight-up vote on ESEA, I think my Democratic colleagues would join me in supporting the rule. Unfortunately, it is not.

They stuck another bill in there that is an enormous multibillion-dollar giveaway to the most profitable industry on the face of the planet, trying to preserve the fossil fuel industry rather than find a pathway forward to transition toward a lower carbon emission future.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX), a valuable senior member of the Committee on Education and the Workforce.

Ms. FOXX. Mr. Speaker, I thank my colleague, Dr. BURGESS, for yielding time.

Mr. Speaker, as a child, my family's home didn't have electricity or running

water. My parents, while dedicated and hardworking, were poor, with little formal education.

Fortunately, I was pushed by the right people, teachers and administrators, who wouldn't let me settle for less than my best. In the mountains of North Carolina, I learned firsthand the power of education and its vital role in the success of individual Americans.

Unfortunately, today's K–12 education system is failing our students. Decades of Washington's counterproductive mandates and the No Child Left Behind law have resulted in stagnant student achievement, disappointing graduation rates, and high school graduates entering college and the workforce without the knowledge and resources they need to succeed.

Parents and education leaders have lost much of their decisionmaking authority to Washington bureaucrats, and the Secretary of Education has bullied States into adopting the Obama administration's pet policies.

The rule we are debating now would provide for consideration of a conference committee agreement, the Every Student Succeeds Act, reauthorizing and reforming the Elementary and Secondary Education Act that would allow Congress finally to replace the No Child Left Behind.

As a grandmother, educator, and former school board member, I know students are best served when teachers, parents, and administrators are the driving force behind improving education. This agreement does just that by reducing the Federal footprint in the Nation's classrooms and restoring control to the people who know their students best.

The compromise Every Student Succeeds Act gets Washington out of the business of running schools. It protects State and local autonomy by prohibiting the Secretary of Education from coercing States into adopting Common Core or punishing them for abandoning it.

It also would place unprecedented restrictions on the authority of the Secretary of Education, preventing the Secretary from imposing new requirements on States and school districts through executive fiat, as President Obama's Department of Education has done repeatedly over the past 3 years.

The proposal eliminates the burdensome one-size-fits-all accountability system that has done more to tie up States and school districts in red tape than to support local efforts to educate children. It also reduces the size of the Federal education bureaucracy by eliminating ineffective and duplicative Federal programs and requiring the Secretary of Education to reduce the Department's workforce accordingly.

If Congress were to fail to act, States would be forced to choose between the fundamentally flawed policies of No Child Left Behind, which double down on Federal programs, mandates, and spending, and the Obama administration's controversial temporary conditional waiver scheme, which has imposed the administration's preferred policies and heightened the level of uncertainty shared by States and school districts. America's students deserve better.

That is why I am so pleased today's agreement gives States a better chance to succeed by getting Washington out of their way. Our work has been validated by The Wall Street Journal, which stated that the bill would represent the largest evolution of Federal control to the States in a quarter century. It is far better than the status quo that would continue if nothing passes.

The SPEAKER pro tempore (Mr. GRAVES of Louisiana). The time of the gentlewoman has expired.

Mr. BURGESS. I yield an additional 15 seconds to the gentlewoman from North Carolina.

Ms. FOXX. By reversing No Child Left Behind, one-size-fits-all micromanagement of classrooms, Congress is giving parents, teachers, and local education leaders the tools they need to repair a broken education system and help all children reach their potential. It is time to get Washington out of the way.

I encourage my colleagues to support this rule and the underlying conference committee agreement, the Every Student Succeeds Act.

Mr. POLIS. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. KENNEDY), a member of the Energy and Commerce Committee.

Mr. KENNEDY. Mr. Speaker, I want to thank my colleague for yielding and for all of the work that he has put in on an important and necessary advancement in our education system.

As he mentioned, the rule we are debating today also incorporates a rule for an energy bill that I wanted to address today because nowhere is the need for a comprehensive energy policy more critical than in my home State of Massachusetts and the entire region of New England.

With recent announced closures of two plants in our region, one coal and one nuclear, we are facing the loss of over 2,000 megawatts of an already antiquated, already overtaxed electric grid. That loss of capacity is already causing the bills of our consumers to skyrocket through a quadrupling of our capacity rates, from $1 billion to over $4 billion.

Those closures and subsequent rate increases underscore our need for a roadmap that puts us on a path toward renewable energy while balancing the reliability and affordability.

□ 1315

The bill before us today does exactly the opposite. It reverses course and renews our investment in outdated energy resources while putting up roadblocks that will halt the innovation our energy infrastructure so desperately needs.

In particular, I am very concerned with section 1110 of the bill, which would require regional grid operators to conduct a reliability analysis each time a rate change is filed with the Federal Energy Regulatory Commission.

Unfortunately, reliability comes at a cost, and the analysis required by section 1110 fails to even consider its impact on ratepayers. It ignores the concerns that I hear across my district every single day. Rate increases mean families can't save, businesses can't grow, local towns can't plan for the future.

That is why I introduced an amendment which would simply add ''at the lowest possible cost'' to the reliability analysis in section 1110. Unfortunately, it was not made in order. It was a simple amendment that would have given much-needed direction and flexibility to each regional operator to determine what its reliability needs are and how much it is going to cost local ratepayers.

The reliability analysis is a clear benefit to fuel types that can be stored and ignores the realities and benefits of other sources of energy, including renewables. The criteria required in this analysis fails to consider regional disparities, such as natural gas resources, local policies, and infrastructure.

If the majority is going to insist on a reliability analysis, at the very least we should consider the impact the analysis would have on energy costs to our constituents.

To say I am disappointed about what this bill has become would be a tremendous understatement. I hope today's vote will send a signal to the majority that this version does not have a viable pathway forward and that our Caucus remains committed to working with them on a bill that does.

Mr. BURGESS. Mr. Speaker, at this time, I yield 4 minutes to the gentleman from Alabama (Mr. BYRNE).

Mr. BYRNE. I thank the gentleman for yielding.

Mr. Speaker, as a former member of the Alabama State school board, former chancellor of postsecondary education for the State of Alabama, and as a member of the Committee on Education and the Workforce, I am proud to support this rule and the underlying legislation.

For too long, our Nation's education system has failed under a heavy, top-down system of mandates and requirements set by Washington bureaucrats and special interest groups.

The Every Student Succeeds Act changes that by getting Washington out of the way and empowering our local teachers, principals, and administrators. This legislation achieves these goals by reducing the Federal Government's role in K–12 education and restoring control over education back to the States and local school districts, where it belongs.

The Wall Street Journal editorial board calls this legislation the largest devolution of Federal control to the States in a quarter-century. National

Journal notes that the bill marks a rollback of Federal power, while Politico points out that the bill cuts down on the number of education programs.

I hear concerns often from my constituents in southwest Alabama about the Common Core standards. Well, this bill expressly prohibits the Secretary of Education from influencing or coercing States into adopting Common Core. This bill makes clear that it is solely a State's responsibility to set academic standards and pick assessments.

These restrictions on the Federal Secretary of Education are unprecedented and will end the Secretary's ability to influence education policy through executive fiat and conditional waivers.

Some may wonder what the alternative is to this legislation, so let me tell you.

Without this bill, we will continue to allow the Obama administration and the Federal Government to dictate education policy to the States.

Without this bill, the Secretary of Education will continue to use Federal grants and money to coerce States into adopting certain academic standards, like Common Core.

Without this bill, the Federal Department of Education will continue to operate more than 80 programs which are ineffective, duplicative, and unnecessary.

Without this bill, teachers will continue to have their hands tied by policies and assessments put forward by bureaucrats in Washington, D.C.

Washington has no business telling our States and local school districts how to best run their schools. So let's pass the Every Student Succeeds Act. Let's get Washington out of the way, and let's empower our local teachers, parents, and students.

I urge my colleagues to support this rule and to support the Every Student Succeeds Act.

Mr. POLIS. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I have a great deal of respect for the ranking member's intellect and integrity, as well as the chairman, in working through this rule.

But it is simply disgraceful that while the President of the United States, our President, was in Paris this week to unite the world against the growing threat of climate change, this House chose to take up this particular legislation that would undermine the transition to cleaner power sources.

These irresponsible bills put the American people at risk by exposing them to the dangers of carbon pollution, further exacerbating the negative impacts of climate change and putting our natural resources in jeopardy.

While some of my friends choose to deny solid scientific evidence, more than 12,000 peer-reviewed scientific studies are in agreement: Climate change is real, and humans are largely responsible by releasing large amounts of carbon dioxide and other greenhouse gasses into the atmosphere from burning fossil fuels to produce energy.

But this is the most embarrassing part for our country: that this House is ignoring the scientific and national security community, which has long recognized the national security threat climate change poses for future generations.

The longer term consequences of failing to act to address climate change may add further instability in regions that are already teetering on the edge of crisis. This could impair future access to food and water, damage infrastructure or interrupt commercial activity, and increase competition and tension between countries vying for limited resources.

Now, as this body chooses to ignore our military leaders, we are faced with a choice. We can reject the continued calls to pull fossil fuels from the ground, or we can put our heads in the sand and pretend everything is fine, hunky-dory.

While I may not be a scientist or a military expert, I don't think it is difficult to walk and chew gum at the same time. We can listen to the experts by investing our time and efforts in both short-term and long-term policies to keep the public safe.

Mr. BURGESS. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise in support of this rule and in support of both bills that this rule will bring to the floor.

I thank the gentleman from Texas for yielding me this time. I find myself in very strong agreement with him on every point that he raised in his outstanding opening statement.

In regard to the energy efficiency bill, Mr. Speaker, unemployment is a serious problem in this country, but we have much more underemployment. We have ended up with the best educated waiters and waitresses in the world, as many thousands of college graduates can't find good jobs.

Our environmental rules and regulations and red tape have caused several million good jobs to go to other countries over the last 40 or 50 years. We need more good jobs in this country, Mr. Speaker, and this energy bill will help reduce this movement of jobs to other countries.

But, Mr. Speaker, I rise primarily today to speak in favor of the Every Student Succeeds legislation.

In 2001, I was one of just 45 Members of the House who voted against the No Child Left Behind Federal education law. Just 10 of those 45 remain in the House today: Republican Congressmen SAM JOHNSON, WALTER JONES, JOE PITTS, DANA ROHRABACHER, JIM SENSENBRENNER, PETE SESSIONS, and myself; and Democrats JOHN CONYERS, BOBBY SCOTT, and MAXINE WATERS.

This turned out to be one of the most popular votes I ever cast, especially with teachers.

I have spoken well over a thousand times in schools through the years, and I voted against the bill in 2001 because I felt the teachers, principals, and parents in east Tennessee had enough common sense and intelligence to run their own schools and classrooms and didn't need Washington bureaucrats telling them what to do.

The No Child Left Behind law was a great overreaction to failed schools in some of our Nation's biggest cities, and it needs to be replaced. Today, I rise in support of the Every Student Succeeds Act so we can leave behind the No Child Left Behind law.

As a previous speaker mentioned, the Wall Street Journal on Monday published an editorial calling this bill ''a bipartisan compromise'' that would be ''the largest devolution of Federal control . . . in a quarter-century.''

The paper pointed out that ''it's far better than the status quo which would continue if nothing passes,'' and described the bill as ''a rare opportunity for real reform.''

This bill should please many conservatives because it does away with the Common Core mandate.

This legislation is an example of great work by my own Senator, constituent, and friend, Senator LAMAR ALEXANDER. This bill is just one of many reasons why Senator ALEXANDER is one of the most respected Members of the other body, and I commend him for his efforts to improve our Nation's schools.

I urge all of my colleagues to support these two bills that this rule brings to the floor.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. WELCH), a member of the Committee on Energy and Commerce.

Mr. WELCH. Mr. Speaker, this bill is missing a great opportunity where we have common ground on energy efficiency. Mr. UPTON and Mr. WHITFIELD are great chairmen of the subcommittee and the standing committee and made an honest effort to try to include all of the possible things that we could do on energy efficiency, but we came up short.

The American Council for an Energy-Efficient Economy—and that is made up of a lot of private sector companies that are trying to meet the demand that their consumers, corporate consumers, and individuals have to get more bang for their energy dollar by using less and saving more—has said that this bill will not reduce energy consumption in the United States. It will increase it, at a cost of about $20 billion through 2040.

Why are we doing that? Energy efficiency is the area where we agree. There is a lot of contentious debate about climate change; we are not going to resolve that today. But we have bipartisan agreement that we should use less energy. It is good for our customers, and it is good for the economy, and it is good for the environment. We came up short.

Many of the costs in energy efficiency could be saved with building codes language, which Mr. MCKINLEY, an engineer on the Republican side, introduced along with me. That is not in this bill.

There was a number of other bipartisan amendments that could have been offered. One by Mr. KINZINGER, the Smart Building Acceleration Act, should be in the bill. One by Mr. REED, the Smart Manufacturing Leadership Act, should be in the bill.

So energy efficiency, that is the place we can work together, and it is the place where we save money by using less energy and improving our economy and improving the environment as well.

The second area is the renewable fuel standards.

We have a huge debate in this Congress. If you are a corn farmer and you are from that district, the renewable fuel standards work for you because it increases what you get for producing corn.

Everywhere else, you are getting hammered. The cost to farmers who have to pay grain bills is higher. The cost to consumers who have to buy food is higher. The cost to small engine owners who have to get more repairs is higher. And it is bad for the environment.

That has been determined, I think, to be a well-intended flop.

Many of us had amendments that were going to let this Congress vote on the renewable fuel standard. It was denied by the Committee on Rules because the Congressional Budget Office has said that if we actually passed an amendment eliminating the renewable fuel standards, drivers of pickup trucks and cars would get higher gas mileage, and, therefore, there would be less revenue in the transportation bill from the gas tax, and we might have to pay more to farmers as a subsidy.

Now, what is going on here when we can't take a vote on a proposal that would have the effect of saving the driving public money on gas?

You know, I am willing to take that vote. I am willing to take the heat for saving drivers in this country money because they can get better mileage without ethanol in the fuel.

Mr. Speaker, there has been a real effort here on the committee to make progress. My goal is that we keep at it and try to improve this bill as it goes along the legislative path.

□ 1330

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I rise in opposition to the rule, but I would like to speak on some of the positive benefits I see in the education portion of this bill coming down the pike later on today.

First and foremost, I think we are learning a lot, Mr. Speaker, about what it really means to prepare young kids for an education today. And I believe the brain science that is unfolding in our country and the world is helping us better understand exactly how young minds work and how our own brains work. I think it is smart for us to send more power back to the local districts and then support programming that can help kids learn better.

A component of this bill, the Student Support and Academic Enrichment grant program, allows for helping to educate well-rounded kids, allows us to focus on well-rounded education, focus on safe and healthy kids, and gives local school districts an opportunity to invest in programs like the social and emotional learning programs that are going on around this country.

It is an interesting study. A meta-analysis done of about 213 programs with 270,000 kids participating in social and emotional learning programs saw an 11 percentile point increase in test scores. That closes the achievement gap. We have seen a 10 percent increase in prosocial behavior, a 10 percent decrease in antisocial behavior, and a 20 percent swing in the behavior of the kids.

We have great programs, like the MindUP program that Goldie Hawn started, having a tremendous impact around the country.

In my own congressional district, in Warren City Schools, we have the Inner Resilience Social and Emotional Learning program. In one of our schools, we have seen a 60 percent reduction in out-of-school suspensions. That is a 60 percent reduction.

And these programs are having significant benefits. If you look at the qualities that a young person needs, I believe this bill helps us get back to redefining what the common core is. In my estimation, the common core is: Are we teaching kids mental discipline? the ability to be aware? the ability to be focused? the ability to cultivate one of the key components to a successful life, and that is the ability to regulate your own emotional state?

This comes well before science, technology, engineering, and math. Teaching these key, fundamental characteristics—mental discipline, physical discipline, focus, concentration, self-regulation—are key components before you even get to the academic side of things.

The other component in here is creating healthy schools. This gets into the school lunches. This gets into the food that these kids eat. If the student is not getting healthy foods, they are not going to be able to concentrate, they are not going to be able to have a high energy level, they are not going to be able to do well academically.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. RYAN of Ohio. To me, self-regulation, awareness, attention, healthy foods, and healthy environment are the building blocks before we even get to the academic component of what happens in the classroom.

I want to thank the committees and the conference committee for putting this together and just recognize that I believe there is a new way of educating our kids emerging here. There is a new common core developing, and that is the mental discipline and the physical health of our young people.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up bipartisan legislation that would close a loophole allowing suspected terrorists to legally buy guns. This bill would bar the sale of firearms and explosives to those on the terrorist watch list.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, we have before us today an education bill that is a vast improvement over the status quo. I am proud to say it is a result of the work product between Democrats and Republicans working together to finally replace an outdated educational law with one that makes a lot more sense.

It maintains the original goal of ESEA from 1965—that is, to protect the civil rights of all Americans, to ensure that no school district can sweep under the rug or deny a quality education to any student because of their ethnicity or race or income status—and it allows States and districts the flexibility to meet those needs. It allows States and districts the flexibility to do something, but not the flexibility to do nothing. That is the fine line that Democrats and Republicans have worked together to seek and have accomplished with this bill.

Beginning in 2011, the Department of Education embarked on an unprecedented process of granting annual ESEA waivers to States and some districts. Now, you have heard that waiver process blasted from the other side. Absent that waiver process, under the formula of adequate yearly progress, nearly every State and district would have been labeled a failure. So I hope that my colleagues are grateful for a waiver process that has succeeded in granting waivers not only to my home State of Colorado, but to most States and districts across the country.

Now, of course, the waiver process opened up a Pandora's box. We can all agree it gave too much power to a single Federal agency. Not knowing who the next President is going to be, that should be something that Democrats and Republicans are concerned about.

While President Obama and Secretary Duncan's use of the waiver process allowed States to get out from

under a flawed law, we can't necessarily count on the next President to be as generous with the waiver process in the No Child Left Behind, which is why it is completely appropriate and why you see so many Democrats, Republicans, educators, and school board members lining up to say: You know what? We need better statutory guidance, and we need to eliminate the one flawed Federal measurement of adequate yearly progress and replace it with an accountability system that works at the State and district level and maintains the Federal commitment to civil rights for all students.

Now, I personally agree with some of the reforms that resulted from the ESEA waivers, but a complex annual waiver process is at the whim of whoever the chief executive is at a certain time. It is not sound policy over time to improve our public schools.

I am proud to say this bill, ESEA, has broad support from a diverse coalition of stakeholders. It has support from superintendents, teachers, the Chamber of Commerce, the Business Roundtable, the National Center for Learning Disabilities, the National Council of La Raza, Third Way, the STEM Education Coalition, the National Governors Association, and many others who are very well-regarded organizations that support the bill. And just over the past few days, I have heard from constituents who support the Every Student Succeeds Act.

I have spent most of my public career in education. I believe that education is the single most powerful tool for creating opportunity, for ending poverty, for lifting people into the middle class and beyond.

I have served as chairman of the State Board of Education of Colorado. I founded two charter schools. I served as superintendent of a charter school, the New America School. During my time in Congress, I have sat on the House Education and the Workforce Committee. And on a personal note, I have a preschool-age son.

Nothing could be more important for the future of our country than improving our public schools. Education is important to me, just as it is important to thousands of families in my district and parents everywhere. The Every Student Succeeds Act is a good bill that will move our education system forward.

I am proud to support the conference report, though, again, I am opposed to the rule and H.R. 8, the corporate welfare for the oil and gas industry bill, which was, unfortunately, put under the same rule as an education bill that I think many of us can agree on.

I want to talk about some of the specific language around charter schools that I worked hard to include in this bill.

I am proud to say that this version of the bill maintains strong Federal support for new and innovative charter schools as well as allowing for the replication and expansion of public charter school models that we know work for at-risk kids.

It is one of the great things about education. For every challenge we face, for every problem we see in public education, we also see an example of what works: a great teacher in a classroom defying the odds by helping at-risk students achieve; a great school; a great principal; a great site leader who has turned around a low-performing school, improved graduation rates, and made sure that more kids have access to college.

These stories are a reality in districts like Denver Public Schools, Jefferson County Public Schools, Boulder Valley School District, Poudre School District; and in districts across the country, there are examples of what works and what doesn't work.

The truth is that the Federal Government and States need to ensure that districts change what doesn't work, and one of the best ways to do that is to take proven models of success and expand and replicate them. One of those models that can work is public charter schools.

I am proud to say the public charter schools have been embraced in my home State of Colorado. Denver Public Schools, which serves a high percentage of at-risk kids, has over 20 percent of their children choosing to attend public charter schools. Our State also enjoys strong school choice across all public schools and even between districts.

This bill improves upon the charter school language by allowing the grants to be used for expanding and replicating successful models and upping the bar on authorizing practices and ensuring that quality public charter schools are meeting the needs of learners across the country.

Many of these charter schools wouldn't get off the ground without these Federal startup grants because they don't receive any public funds or State funds—in my home State of Colorado, until June of the year they open; in other States, it might be a little bit different. But generally speaking, all of those planning costs and operating costs for that year, until they open, are not compensated because they have no student enrollment at that point.

Believe me, it takes money to get public charter schools off the ground. They raise money from philanthropy. Some school districts who want more public charter schools help seed them, too. And the Federal investment, along with that, will help ensure that these great educators and great ideas have a chance to actually start a public charter school that meets a real learning need in the community.

I couldn't be more proud that those priorities of the All-STAR Act and the charter school bill passed overwhelmingly by this body in two different legislative sessions are reflected in this final bill.

I encourage my colleagues to vote ''no'' and defeat the previous question, to vote ''no'' on the rule, to vote ''yes'' on the education bill, and to vote ''no'' on the corporate welfare for the oil and gas industry bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, may I inquire as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from Texas has 11¾ minutes remaining.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today's rule provides for further consideration of two important bills affecting the future of this country: the country's energy future and the future of education. They are important bills.

I urge my colleagues to vote ''yes'' on the previous question, vote ''yes'' on the rule, and vote ''yes'' on the underlying bills.

Ms. JACKSON LEE. Mr. Speaker, I rise in support to S. 1177, which is a sea change that moves the nation's education system away from "No Child Left Behind."

I thank Chairman KLINE, Ranking Member SCOTT, and all the members of the House and Senate Conference Committee for their work in bringing the Every Child Succeeds Act.

As the founding member and Chair of the Congressional Children's Caucus, I am in support of this bill because it places the education of our nation's children first.

I am pleased that the Jackson Lee Amendment offered during the House consideration of this bill intended to fight bullying in education settings is included in S. 1177.

The Jackson Lee Amendment supports accountability-based programs and activities that are designed to enhance school safety, which may include research-based bullying prevention, cyberbullying prevention, and disruption of recruitment activity by groups or individuals involved in violent extremism, and gang prevention programs as well as intervention programs regarding bullying.

Statistics on Bully:

Consider the daily reality for too many of our children who are threatened and hurt daily and will not tell adults about their pain or shame: 1 in 7 Students in Grades K–12 is either a bully or a victim of bullying. 90 percent of 4th to 8th Grade Students report being victims of bullying of some type. 56 percent of students have personally witnessed some type of bullying at school. 71 percent of students report incidents of bullying as a problem at their school. 15 percent of all students who don't show up for school reported being out of fear of being bullied while at school. 1 out of 20 students has seen a student with a gun at school. 282,000 students are physically attacked in secondary schools each month.

Consequences of bullying: 15 percent of all school absenteeism is directly related to fears of being bullied at school. According to bullying statistics, 1 out of every 10 students who drops out of school does so because of repeated bullying. Suicides linked to bullying are the saddest statistic.

The Jackson Lee Amendment also addresses growing concerns regarding violent extremism and student social media use.

As the Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland

Security, and Investigations, as well as a Senior Member of the Homeland Security Committee, I believe that we must address emerging threats where they are, and do so as early as possible.

The Every Student Succeeds Act reflects the core principles for what today's children need to be prepared to succeed.

The bill includes support for students and schools in state accountability plans to create an opportunity for great transparency in making sure the classroom experiences of students will prepare them for higher education or employment opportunities by: (1.) reducing the amount of standardized testing in schools and decoupling high-stakes decision making and statewide standardized tests; and, (2.) ensuring that educators' voices are part of decision making at the federal, state and local levels.

This year marks the 50th anniversary of Congress passing the landmark Elementary and Secondary Education Act (ESEA).

It is appropriate that Congress is taking this important bipartisan step in education reform that is drawing broad support from leading organizations, including the following: (1.) National Education Association; (2.) Leadership Conference on Civil Rights; (3.) National Council of La Raza; (4.) Teach for America; (5.) U.S. Chamber of Commerce; and (6.) Business Roundtable.

The bill before the House will move the nation toward an education policy built for success from the classrooms to the workplace.

In 2011, the number of children enrolled in elementary, middle schools and high schools nationally is 54,876,000, which included 38,716,000 in elementary schools and 16,160,000 in high schools.

Access to a great education is the best medicine for our nation's disparities in our economic system and social justice challenges.

A major reason for the Elementary and Secondary Education Act was the unanimous, landmark ruling of the United States Supreme Court in Brown v. Board of Education, in which the Supreme Court held that education "is a right which must be made available to all on equal terms."

A great education lifts all aspirations and opens doors of opportunity for every student in communities across the nation.

Today lifelong learning is an imperative for workers to remain current and viable in the employment market place.

A great education today yield benefits far into the future as it produces inventors, thinkers, artists, and leaders.

It is well past time to correct flaws in the "No Child Left Behind" law and focus on facilitating this growth and laying the foundation for student success.

According to a 2011 report by the Brookings Institution's Metropolitan Policy Program, "The Hidden STEM Economy," 26 million jobs, or 20 percent of all occupations, required knowledge in one or more STEM areas.

The same report stressed that fully half of all STEM jobs available to workers without a 4 year degree and these jobs pay on average $53,000 a year, which is 10 percent higher than jobs with similar education requirements.

The economy is changing rapidly and our education system needs the guidance and support provided by H.R. 1177.

I urge all members to join with me in voting in support of H.R. 1177.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 542 OFFERED BY MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on the adoption of the resolution, if ordered, and the motion to instruct on H.R. 644.

The vote was taken by electronic device, and there were—yeas 243, nays 177, not voting 13, as follows:

[Roll No. 653]

YEAS—243

Abraham	Bridenstine	Costello (PA)
Aderholt	Brooks (AL)	Cramer
Allen	Brooks (IN)	Crawford
Amash	Buchanan	Crenshaw
Amodei	Buck	Culberson
Babin	Burgess	Curbelo (FL)
Barletta	Byrne	Davis, Rodney
Barr	Calvert	Denham
Barton	Carter (GA)	Dent
Benishek	Carter (TX)	DeSantis
Bilirakis	Chabot	DesJarlais
Bishop (MI)	Chaffetz	Diaz-Balart
Bishop (UT)	Clawson (FL)	Dold
Black	Coffman	Donovan
Blackburn	Cole	Duffy
Blum	Collins (GA)	Duncan (SC)
Bost	Collins (NY)	Duncan (TN)
Boustany	Comstock	Ellmers (NC)
Brady (TX)	Conaway	Emmer (MN)
Brat	Cook	Farenthold

Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—177

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—13

Bucshon
Cleaver
Cuellar
Huffman
Meeks
Nadler
Payne
Ruppersberger
Sanchez, Loretta
Speier
Takai
Webster (FL)
Williams

□ 1410

Mr. ASHFORD changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 181, not voting 12, as follows:

[Roll No. 654]

AYES—240

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (UT)
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—181

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.

Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—12

Bishop (MI)
Black
Cuellar
Marchant
McCollum
Meeks
Payne
Ruppersberger
Sanchez, Loretta
Takai
Webster (FL)
Williams

□ 1420

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 644, TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (H.R. 644) to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes, offered by the gentlewoman from New Hampshire (Ms. KUSTER) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 193, nays 232, not voting 8, as follows:

[Roll No. 655]

YEAS—193

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Bishop (GA)
Blumenauer
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Cohen
Collins (NY)
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Fortenberry
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Griffith
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Hunter
Israel
Jackson Lee
Jeffries
Johnson (GA)
Jones
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McKinley
McNerney
Meng
Mooney (WV)
Moore
Moulton
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Pascrell
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NAYS—232

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Beyer
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grijalva
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Joyce
Kelly (MS)
Kelly (PA)
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mullin
Mulvaney
Neugebauer
Newhouse
Noem
Nugent
Nunes
O'Rourke
Olson
Palazzo
Palmer
Paulsen
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—8

Cuellar
Meeks
Payne
Ruppersberger
Sanchez, Loretta
Takai
Webster (FL)
Williams

□ 1430

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. FLEISCHMANN). Without objection, the Chair appoints the following conferees on H.R. 644:

Messrs. BRADY of Texas, REICHERT, TIBERI, LEVIN, and Ms. LINDA T. SÁNCHEZ of California.

There was no objection.

CONFERENCE REPORT ON S. 1177, STUDENT SUCCESS ACT

Mr. KLINE. Mr. Speaker, pursuant to House Resolution 542, I call up the conference report on the bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 542, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 30, 2015, at page H8444.)

The SPEAKER pro tempore. Pursuant to House Resolution 542, the gentleman from Minnesota (Mr. KLINE) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the conference report to accompany S. 1177.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of the conference report to accompany S. 1177, to be known as the Every Student Succeeds Act.

After years of congressional delay and executive overreach, Congress is finally replacing No Child Left Behind. More importantly, we are replacing the old approach to education with a new approach that will help every child in

every school receive an excellent education.

For more than a decade, Washington has been micromanaging our classrooms. Federal rules now dictate how States and local communities measure student achievement, fix broken schools, spend taxpayer resources, and hire and fire their teachers.

No Child Left Behind was based on good intentions, but it was also based on the flawed premise that Washington knows what students need to succeed in school.

And what do we have to show for it? Less than half of all fourth and eighth graders are proficient in reading and math. An achievement gap continues to separate poor and minority students from their more affluent peers. In some neighborhoods, children are far more likely to drop out of high school than earn a diploma.

Parents, teachers, superintendents, and other education leaders have been telling us for years that the top-down approach to education is not working. Yet some still believe that more programs, more mandates, and more bureaucrats will help get this right. Well, those days will soon be over.

Today, we turn the page on the failed status quo and turn over to our Nation's parents and our State and local leaders the authority, flexibility, and certainty they need to deliver children an excellent education.

We reached this moment because replacing No Child Left Behind has long been a leading priority for House Republicans. For years, we have fought to improve K–12 education with three basic principles: reducing the Federal role, restoring local control, and empowering parents. The final bill by the House and Senate conference committee reflects these principles.

The bill reduces the Federal role in K–12 education by repealing dozens of ineffective programs which place unprecedented restrictions on the Secretary of Education; eliminating one-size-fits-all schemes around accountability and school improvement, ending the era of high-stakes testing; and preventing this administration and future administrations from coercing or incentivizing States to adopt Common Core.

The bill restores local control by protecting the right of States to opt out of Federal education programs and by delivering new funding flexibility so taxpayer resources are better spent on local priorities.

The conference agreement also returns to States and school districts the responsibility for accountability and school improvement. A set of broad parameters will help taxpayers know that their money is being well spent while ensuring State and local leaders have the authority necessary to run their schools.

The bill also empowers parents by providing moms and dads with the information they need to hold their schools accountable. The conference agreement strengthens school choice by reforming programs that affect charter schools and magnet schools, and it prevents any Federal interference with our Nation's private schools and home schools.

Reducing the Federal role, restoring local control, empowering parents—these are the principles we have fought for because these are the principles that will help give every child a shot at a quality education.

Now, let me be clear. This is not a perfect bill. To make progress, you find common ground. But make no mistake, we compromised on the detail, but we did not compromise on the principles.

Mr. Speaker, the American people are tired of waiting for us to replace a flawed education law. They are tired of the Federal intrusion, of the conditional waivers, and of the Federal coercion. Most importantly, they are tired of seeing their kids being trapped in failing schools.

Let's do the job we were sent here to do. Let's replace No Child Left Behind with new policies that are based on principles we believe in.

For these reasons, I strongly urge my colleagues to support this conference agreement.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I am honored to endorse the conference report on S. 1177, the Every Student Succeeds Act.

We have certainly come a long way since we were on the floor debating H.R. 5, the Student Success Act, earlier this year. I had sincere objections to much that was found in H.R. 5, but thanks to the commitment to work together to try to fashion a decent bill with Chairman KLINE and our counterparts in the Senate, Senator ALEXANDER and Senator MURRAY, along with the many long nights from our respective staffs, we found a way to produce a conference report that balances the desire for more localized decision-making with the need for Federal oversight to ensure equity for underserved students.

This conference report is the embodiment of what we can do when we work together in Washington—a workable compromise that does not force either side to desert its core beliefs.

Mr. Speaker, the modern Federal role in elementary and secondary education began with the promise in Brown v. Board of Education when a unanimous Supreme Court held that, in 1954, ''it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education'' and that ''such an opportunity is a right which must be made available to all on equal terms.''

Yet, despite the Brown decision, our education system has remained fundamentally unequal. That inequality is virtually guaranteed by the fact that we fund education basically by the real estate tax, guaranteeing that wealthier areas will have more funds than low-income areas.

Across the Nation, gaps in equity persist. These gaps made it impossible to realize the opportunity of an education to all on equal terms because too many schools lacked the basic resources necessary for success. Too many schools failed children year after year.

And these gaps disproportionately affected the politically disconnected: those in poverty, racial minorities, students with disabilities, and English language learners. This was unacceptable.

In 1965, Congress addressed the inequality by passing the first Elementary and Secondary Education Act, ESEA, which provided Federal money to address—and I quote from the original bill—''the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs.''

Simply put, Congress acknowledged that the right to an education is a civil right that knows no State boundaries and that the Federal Government has a role to ensure that all States are fulfilling their promises for all of America's children.

The current iteration of the ESEA, No Child Left Behind, has run its course. It is so broken that the administration currently offers over 40 States waivers from its most unworkable provisions. This has not only created a great amount of uncertainty for students, parents, educators, and communities, but it has also resulted in uneven protections for underserved students and a lack of transparency for our communities.

This conference report improves upon both the current law and the waivers, lives up to the promises of Brown and the intent of the original ESEA, and addresses the key challenges of No Child Left Behind.

First, the Every Student Succeeds Act maintains high standards for all children but allows States to determine those standards in a way that requires those standards to be aligned with college readiness.

The Every Student Succeeds Act requires States to put in place assessment, accountability, and improvement policies that will close the achievement gap but with locally designed, evidence-based strategies that meet the unique needs of students and schools.

The conference report requires the transparent reporting of data to ensure that schools are responsible for not only the achievement of all of their students but also for the equitable allocation of resources to support student learning.

The conference report helps States and school districts reduce the overuse of exclusionary policies by allowing the existing funding to be used for the Youth PROMISE plans, which is an

issue I have been working on for many years.

Youth PROMISE plans are comprehensive, evidence-based plans that are designed to address neighborhoods with significant crime, teen pregnancy, and other problems, and they are designed to reinvest savings generated by those plans to keep the plans working in the future.

The conference report recognizes the importance of early learning, a priority of both red and blue States alike, by authorizing a program to assist States in improving the coordination, quality, improvement, and access to pre-K.

Most importantly, while many of these new systems will be created by the States, under the conference report, the Federal Government maintains the ability to make sure that States and localities are living up to their commitments—that all students are being counted and that schools are being held accountable for their achievement.

While this conference report is not the bill that I would have written alone—or that any Member would have written alone, for that matter—I have no doubt that this bipartisan conference report will make a positive difference in the lives of our Nation's children and will live up to the goal of the original ESEA: making an opportunity for an education available to all on equal terms. Therefore, I urge my colleagues to vote ''yes.''

I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. ROKITA), the chairman of the Early Childhood, Elementary, and Secondary Education Subcommittee.

Mr. ROKITA. Mr. Speaker, I recognize Chairman KLINE especially for the work he has done over a long period of time, 7 years or so, bringing this House, this Congress, to where we are today. It truly is leadership at its best.

Mr. Speaker, let's face it. No Child Left Behind's high-stakes testing, which requires every child to be caught up to grade level within 1 year, is simply unworkable, as well-intentioned as it may have been.

Currently, the Secretary of Education, through waivers, can run schools by executive fiat, imposing requirements on State testing standards and conditioning receipt of Federal funds on adopting Common Core standards.

□ 1445

It's time for a positive change, and that change is the Every Student Succeeds Act. This bill, as pointed out here, as The Wall Street Journal puts it, is the largest transfer of Federal control, Mr. Speaker, to the States in 25 years, where this authority and opportunity frankly belongs.

This bill empowers States, and it ends the federally mandated high-stakes testing, which is the core, which is the heart of No Child Left Behind, which is causing all the stress that we see from our teachers, our school administrators, our parents, and especially our students. If it produced the results that we intended, maybe that is one thing. But all it is producing is stress and an unworkable situation.

The people who best know how to test, how long to test, what to test, et cetera, et cetera, are our parents, our teachers, our voters, our taxpayers, our local school administrators. Let them have this responsibility back.

It provides flexibility so voters and taxpayers, through their locally elected officials, can decide for themselves what success looks like. It recognizes that, when it comes to determining academic standards, States, school administrators, and parents know what is best.

It is time we put our children first so we can compete in a global, 21st-century world and win again. It is time we trust parents, teachers, and local education leaders more than we trust Federal bureaucrats in Washington, D.C. This bill is a huge step in that direction.

I urge all of my colleagues, Republican and Democrat, to support it.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. FUDGE), who is the ranking member of the subcommittee that reported this bill.

Ms. FUDGE. Mr. Speaker, I thank the gentleman for yielding.

I thank both the chair and ranking member for their leadership. It has been a privilege to work on this with both of you.

Mr. Speaker, today I rise to express my strong support for the reauthorization of the Elementary and Secondary Education Act. It is long overdue. For years, our Nation's students, their parents, and teachers have implored Congress to address the flaws in No Child Left Behind.

Today we finally have a bill that addresses many of the most difficult issues. Though not perfect, this bill is a significant improvement over No Child Left Behind.

Education is our Nation's great equalizer. Education opens the doors of opportunity to all of our Nation's children. This year we commemorated the 50th anniversary of President Johnson signing the original ESEA.

Fifty years ago, as part of the Great Society legislation, we passed ESEA as a civil rights law that affirmed the right of every child to a quality education. It further underscored the belief that poverty should not be an obstacle to student success.

The bill before us protects title I funding, ensures equitable allocation of resources to schools. It recognizes the importance of afterschool education and maintains subgroup disaggregation of data for reporting.

Further, the Student Support and Academic Enrichment Grants program is formula based and distributes dollars that fill resource and opportunity gaps based on the need and population.

While ESSA does give States and local districts more flexibility, it does not absolve the Federal Government of its responsibility to protect the civil rights of underserved students. Make no mistake. The Department of Education maintains its authority to oversee implementation of the law and take action against States and districts that aren't honoring the civil rights legacy of the ESEA.

It was my goal that the final bill provide equal educational opportunities for all children, regardless of race, ethnicity, income, language, or disability. I believe the Every Student Succeeds Act achieves this goal by striking a balance in the best interest of all of our Nation's students.

I urge my colleagues to support this legislation.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. THOMPSON), a member of the Early Childhood, Elementary, and Secondary Education Subcommittee of the Committee on Education and the Workforce.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I thank Chairman KLINE for the opportunity to voice my support for this comprehensive overhaul of No Child Left Behind, which has been a long time in the making.

As a member of the House Education and the Workforce Committee, I can attest to this conference report being the product of many years of hard work. I am happy to have been a conferee for the Every Student Succeeds Act, which, through a bipartisan agreement, provides more flexibility for our States, school districts, educators, parents, and students.

The Every Student Succeeds Act will establish a more appropriate Federal role in education by ending the era of mandated high-stakes testing, limiting the power of the Secretary of Education to dictate cookie-cutter standards, repealing dozens of ineffective and duplicative programs, and ensuring resources are delivered to where they are most effective and necessary.

I am especially grateful to the conferees for their adoption of an amendment that will instruct the Department of Education to finally study the fairness of the current title I formulas used to offset the effects of poverty upon young learners.

ESEA, which is celebrating its 50th anniversary, was created to provide each student an equal opportunity under the law. But, unfortunately, we are still not targeting those areas with the highest concentration of poverty.

I am hopeful that we can continue to embrace the spirit of ESEA and ensure that we are always working in the direction of providing great educational opportunities for all children.

I want to thank my friend, my colleague, and my chairman, JOHN KLINE, for his leadership to accomplish this historical education reform.

I urge my colleagues to support the conference report.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, I rise in strong support of this legislation. It has been 13 long years since ESEA was rewritten. As we have heard from prior speakers, there are many problems that have been identified with No Child Left Behind, which we have heard from across the board in terms of parents, educators, administrators, and in terms of the need to update and revise this legislation.

What we also know is that the American economy has changed over the last 13 years and so has the world economy. One of the biggest problems that employers have today is the lack of individuals with degrees in science, technology, engineering, and math, STEM technology.

The good news is that this bill upgrades the K–12 system to give kids the tools that they are going to need to succeed with these jobs, which now are growing three times as fast as non-STEM jobs. The good news is it provides incomes twice as large as non-STEM jobs.

So what the bill does is it creates a STEM master teacher core, provides professional development training to STEM educators, greater access for thousands of school districts to Federal funding to support STEM programs, including partnerships with nonprofits.

It encourages alternative certification programs to allow more STEM teachers to come from industry and will retain and provide promising STEM teachers with differential pay. This is what our school systems need and this is what our kids need to have the tools to succeed in the future.

It is a great achievement that the chairman and the ranking member defied all the conventional wisdom to get this bill to move forward. It is almost like Pope Francis created some aura that you capitalized on. I mean that sincerely.

This is an incredible achievement to break through the barriers that have prevented us from coming together as an institution to really fix what in many respects is the most important issue, which is creating a future for the kids and our grandchildren.

I urge strong support of this legislation.

Mr. KLINE. Mr. Speaker, I want to commend the gentleman from Connecticut for mentioning Pope Francis and not mentioning ladies basketball.

I yield 2 minutes to the gentleman from Tennessee (Mr. ROE), the chair of the Health, Employment, Labor, and Pensions Subcommittee of the Committee on Education and the Workforce.

Mr. ROE of Tennessee. Mr. Speaker, I thank the chairman and ranking member for doing the Herculean work on this bill, Every Student Succeeds Act, and the conference report. Many, many, many hours and many Congresses could not make this happen. They did. My hat is off to them.

When I go home to Tennessee and talk to the teachers, students, administrators, and the parents, what do I hear? There is too much Federal control, too many forms to fill out, we are teaching to the test, the students are frustrated, the teachers are frustrated.

Just go sit in front of a group of teachers and ask them: Would you be a teacher again? I promise you that over half of them will hold up their hand and say: No. I wouldn't be a teacher again.

That is terrible. We have to make an environment where the educators are enjoying what they do.

For the most part, I think teachers have one of the most important jobs in this country. I am a product of the public education system, 23 years. If I hadn't had great teachers, I would not have had the opportunity to be a doctor and I wouldn't have had the opportunity to serve in the U.S. Congress. So I am forever grateful.

What do we do? What do they say? They say: Look, this adequate yearly progress we are being judged on, these tests, as far as our students moving along, the Common Core—I hear that all the time at home—we don't need a national school board telling us what to teach in our community.

We heard them. Both sides of the aisle heard them and said: Okay. What we will do is we will push that control back down to the local level and you decide what is your curriculum, but you are going to be held accountable for how your student outcomes are. If you have students and minorities, we will be able to ferret those out and improve those students' outcomes.

We have eliminated or altered 49 different programs into a flexibility grant that will make it easier for the administrators to run their school systems. I think the main thing we want to do at the end of the day is that we want to create an environment where our students have the best opportunity in the world to achieve because they are now competing on a world basis.

For that reason, I think this bill does that. I encourage my colleagues to vote for this.

I am proud to stand on the House floor today in support of the Every Student Succeeds Act. Everywhere I go in my district, I hear from teachers, parents, administrators and students, who all tell me that we need to return control to the local level. Just as a one-size-fits-all approach doesn't work for health care reform, it will not work for education. Each state, school district and student are different, and local administrators, teachers and parents—not the federal government—should make decisions based on what's best for their students.

There are a lot of good reasons for conservatives to support this bill, because on virtually every account it reduces the federal government's ability to control state and local education. This bill replaces the national accountability system with a state-led one, ensuring local leaders' voice is heard. It also eliminates duplicative, expensive and unnecessary programs and replaces them with a Local Academic Flexible Grant, providing funding for school systems to better serve and support their students.

Perhaps most importantly, conservatives can feel good about supporting this because of how far it goes in stopping the federal government's intrusion into academic standards and curriculum, and in particular the adoption of the Common Core State Standards Initiative. While these standards were developed in a process that began as a state-led initiative, in recent years concern has increased as the Department of Education has been coercing states into adopting these standards as a condition of getting education waivers and grants. The bill would take away the Department's ability to require Common Core as a condition of federal grants, which ensures the decision on whether or not to adopt Common Core will truly be left up to the states—as it should be. If you claim to be concerned about or opposed to Common Core, then you must support this bill.

Mr. Chairman, a lot of people ask me, why does it matter whether we agree on education policy? Well, on my way home after work just the other evening, I met a boy at the grocery stow who was looking for some items on the shelves. He asked me for help in locating crushed pineapples because he told me he couldn't read the words. So I helped him and we found the crushed pineapples. But it hit me—this is why we want to invest in education. We have to have a system that ensures that boy and thousands of other kids just like him are given the opportunity to succeed in life, and that starts with a good education. We have a great opportunity to start helping that child by agreeing to this bill, and I look forward to working with my colleagues to make that happen.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WILSON), a former educator herself.

Ms. WILSON of Florida. Mr. Speaker, I stand in support of the Every Student Succeeds Act. I want to thank Chairmen ALEXANDER and KLINE and Ranking Members MURRAY and SCOTT for their yearlong work on this bill.

At its heart, the Elementary and Secondary Education Act is a civil rights law based on a simple, yet powerful, promise made to all American children. It is a promise that, no matter where you live, what you look like, or what resources you have, you deserve a quality education.

Unfortunately, No Child Left Behind's one-size-fits-all approach derailed the fulfillment of this promise by creating an untenable environment of excessive, high-stakes testing that undermines educators' ability to serve their students.

While not perfect, the Every Student Succeeds Act is a substantial improvement that takes us one step closer to delivering on the promise of a quality education.

ESSA will provide schools with the resources and guidelines they need to deliver on this promise by directing resources to the children most in need and allowing school districts the flexibility to use title IV funds in a way that best works for their students.

As someone who has dedicated my life to dropout prevention, I am overjoyed to see this bill includes my amendment allowing title IV funds to be used for dropout prevention and reentry programs. But this is just the first step for our children.

It is the champions of our children's education—the teachers, the parents, the principals, and the mentors—who will create an environment of learning. That environment will ensure that our children's hearts and minds are positively shaped by our collective wisdom, our support, and our love.

I want to thank the teachers and parents across our Nation and especially in Florida for their work and commitment.

I urge my colleagues to support this conference report and stand united for a single purpose: our children.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. GUTHRIE), a member of the Committee on Education and the Workforce.

Mr. GUTHRIE. Mr. Speaker, I rise today in support of the Every Student Succeeds Act.

As a father of three children who have attended public schools, I know the importance of allowing those who know our students best to be the decisionmakers.

I want to thank everybody who is involved in educating our children. My wife and I certainly appreciate those who have sacrificed so much time to take care of our children.

Since coming to Congress, I have heard from parents, teachers, school board members, and school leaders that No Child Left Behind is not producing the results our children need.

□ 1500

States and local school districts need flexibility to deliver a quality education to our students. This agreement does just that. It gets the Federal Government out of our classrooms and puts the decisionmaking back in the hands of our State and local leaders.

This agreement prevents the Secretary from legislating through executive fiat. It prohibits the Secretary from adding new requirements through regulations and from adding new requirements as a condition of approval of a State plan.

As a Member of the House Committee on Education and the Workforce and a conferee on this agreement, I am pleased with the determination of my colleagues in this Congress to move beyond the failed policies of No Child Left Behind. Our children deserve a quality education, and this bill is a step in the right direction.

Mr. Speaker, I do want to thank the chairman and the ranking member and those in the Senate for all their hard work. I know the staff from both sides, people that we get to work with every day who work hard for the people of this country and who have worked hard for our children. I appreciate the hard work they have done in bringing this agreement to where we are today.

I urge my colleagues to support this conference agreement.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. I thank the gentleman from Virginia for yielding time.

Mr. Speaker, as a former public schoolteacher for 24 years, I am proud to rise in support of this bill, which will improve our schools, offer more support to teachers, and, most importantly, provide more students the education they deserve.

Having served in the classroom during the implementation of No Child Left Behind, I can say without hesitation that our current education system needs a reset.

While well-intentioned, No Child Left Behind created a punitive approach to education policy that punishes underperforming schools instead of helping them to improve. That rigid, test-driven approach to accountability, combined with heavyhanded intervention from the Federal Government, has failed to close the achievement gaps in our country.

This reauthorization replaces our test-and-punish system with a more flexible test-and-reveal approach that returns decisionmaking to States and school districts. It will empower educators who best understand their students' needs to develop new ways to meet local challenges.

I am also pleased this bill increases overall education funding and ensures States are maintaining their investments in schools.

As a teacher, I might not give this bill an A-plus, but it is a solid bipartisan compromise, and it is an overdue replacement for a status quo that we all know is unacceptable. For that reason, I give this bill a passing grade.

Mr. KLINE. Mr. Speaker, I now yield 2 minutes to the gentleman from Indiana (Mr. MESSER), another member of the committee.

Mr. MESSER. Mr. Speaker, I have not heard from one parent, student, or teacher who likes No Child Left Behind. Despite what may have been the best of intentions, its one-size-fits-all mandates led to Federal Government micromanagement in the classroom, overtested kids, and anxiety-ridden teachers, but, sadly, no significant improvement in student outcomes.

That is why virtually everyone wants to repeal No Child Left Behind. Today we have an opportunity to do just that by supporting the Every Student Succeeds Act. It is a new approach to the Federal role in education. If you read it, there is a lot to like in the bill.

By voting for this bill, we can end Federal Common Core mandates and stop the march towards a Federal curriculum. We can end high-stakes testing and abolish the unworkable adequate yearly progress metrics. Best of all, we can give power over education back to the people we trust: the parents, the teachers, and the local school administrators who are best positioned to make good decisions for our kids.

Access to a quality education is the gateway to opportunity in modern America. We still have a long way to go before we can make sure every child has that kind of access, but the Every Student Succeeds Act is a big step in the right direction.

I urge my colleagues for their support.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. I thank Mr. SCOTT for yielding. I want to thank Mr. KLINE, the chairman of the committee, and Ranking Member SCOTT for their work on this bill.

Mr. Speaker, Frederick Douglass was born a slave on the Eastern Shore of Maryland. He became one of the great leaders in our country. Obviously, he worked hard with Abraham Lincoln to see the issuing of the Emancipation Proclamation. He said this: ''It is easier to build strong children than to repair broken men.''

This bill is about investment in the future, investment in children. Investing in elementary and secondary education is one of the most consequential acts we will undertake in this House. The impact of our investments in education will be felt long after we are gone. It will have a significant bearing on the future well-being of our economy and our democracy.

I want to thank Chairman KLINE and Ranking Member SCOTT, as well as Senators LAMAR ALEXANDER and PATTY MURRAY, the chair and ranking member of the Senate HELP Committee, for their extraordinary efforts on this bill.

This is a bipartisan bill. We worked together. Frankly, we had a little trouble working together here, but they worked together there, and then we worked together here. It is turning out well.

My friend indicated that he would not give this bill an A-plus. I was trying to reflect on any bill that I have ever voted on that I would give an A-plus to. It is not a perfect bill, but it represents a reasonable compromise that will strengthen elementary and secondary education in this country, provide certainty going forward, and help prepare the next generation of students—no matter who they are, how they learn, or where they live—for success in college, in their careers, in their vocations, and as future innovators and entrepreneurs in our economy.

I am particularly proud—and I thank Mr. SCOTT, and I thank also the two Senate leaders, as well as Mr. KLINE—that this conference report includes the Full-Service Community Schools program, which I have championed for several years.

My wife, Judy, was an early childhood educator and administrator in Prince George's County, Maryland. She

died over 18 years ago. It is from her, however, that I first learned of the potential of full-service community schools, and our State has very successfully created a network of schools using this integrated approach named in her memory.

There will be 52 Judy Centers around our State for 3- and 4-year-olds. Some of them are privately funded, they are so popular, some publicly funded, and some in partnership. These Judy Centers enable low-income families with very young children to access a range of critical services all in one place. When starting kindergarten, children whose families participated in Judy Center programs performed better than those whose families did not.

The SPEAKER pro tempore (Mr. DOLD). The time of the gentleman has expired.

Mr. SCOTT of Virginia. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. HOYER. Judy Centers are helping to close that gap.

In closing, I urge my colleagues to vote for this bill because it is a step forward. It is an indication, as well, that we can work in a bipartisan fashion to the benefit of the people we represent. I urge my colleagues to vote for this conference report.

Mr. KLINE. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. CURBELO), a member of the committee.

Mr. CURBELO of Florida. Mr. Speaker, I rise today in strong support of the Every Student Succeeds Act. I want to thank my colleagues on the Committee on Education and the Workforce for their tireless efforts to improve K–12 education for all students, especially Chairman KLINE, Chairman ROKITA, and Ranking Members SCOTT and FUDGE.

Throughout this process, we have identified the successes and failures of No Child Left Behind. This agreement allows us to capture the spirit of that last ESEA reauthorization: education is the great civil rights issue of our time, and every child in this country can learn, no matter the color of their skin, the ZIP Code they live in, the language their parents speak, or their income level.

We also learned from the failures of No Child Left Behind that led to an overly rigid, one-size-fits-all accountability system, inevitably giving the Federal Government an outsized role in public education. That is why the legislation before us today returns decision-making authority to States and local school districts, empowering communities and giving America's teachers the respect they deserve.

I am especially pleased that the bill we are considering today includes my amendment, which will ensure that children learning English are counted without being counted out, and that the teachers and schools who serve them are given more time to help these students succeed.

As a former member of the Miami-Dade County School Board, I am proud to have been a part of this process as a conferee. I urge my colleagues to vote in favor of this bipartisan compromise. This agreement promotes school choice, empowers local leaders, and, most importantly, puts children, not Washington bureaucrats, at the center of America's education system.

Mr. SCOTT of Virginia. Mr. Speaker, could you advise us how much time is still available on both sides.

The SPEAKER pro tempore. The gentleman from Virginia has 13½ minutes remaining. The gentleman from Minnesota has 14½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Mr. Speaker, the students, educators, parents, and school board members I have spoken with over the years have been waiting for this day, and I am glad we are finally reaching agreement on a new education law, and we are going to leave behind No Child Left Behind.

It was a well-intentioned law. Its goal was to create more equitable education for children across the country, but it resulted in too much emphasis on one-size-fits-all mandates and interventions, and the adequate yearly progress requirements caused too much focus on high-stakes testing. Change is long overdue.

The Every Student Succeeds Act returns flexibility to States and school districts to design interventions that address the specific needs of their schools. Importantly, it has States use multiple measures of academic progress in their accountability systems so no schools will be punished for the performance of students on a single exam. They can focus on addressing resource inequalities and improving school climate and delivering access to advanced coursework and rich curricula.

After hearing frequent concerns from students and teachers about the need for fewer, better assessments, I am pleased that the Every Student Succeeds Act includes a bipartisan provision I authored with Congressman RYAN COSTELLO to help school districts eliminate unnecessary testing.

The bill also improves STEM learning by encouraging the incorporation of art, music, and design. A well-rounded education that teaches our students to think creatively is good for their futures and good for the innovation economy.

The Every Student Succeeds Act has States set high standards for students. It requires States and school districts to intervene in schools where students have poor academic outcomes and where subgroups of students, such as English learners, low-income students, or students of color, lag behind their peers.

The law we are voting on today is true to the legacy of the original Elementary and Secondary Education Act and its goal of closing achievement gaps and promoting equitable opportunities and outcomes for students.

Mr. Speaker, I commend Chairman KLINE and Chairman ALEXANDER and Ranking Members SCOTT and MURRAY and their very hardworking staffs for their commitment to this bipartisan accomplishment.

I support the Every Student Succeeds Act and urge my colleagues to do the same.

Mr. KLINE. Mr. Speaker, in an effort to balance the speakers on each side, I will reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. POCAN).

Mr. POCAN. Mr. Speaker, I would like to thank the gentleman not only for yielding, but for his and Chairman KLINE's hard work on this bill.

I rise today in support of the Every Student Succeeds Act. Defending public education is one of the reasons that I came to Congress. For years, we have witnessed a negative impact on public education, from underfunding our schools to stripping teachers of their rights to collectively bargain for fair pay and conditions, like in my home State of Wisconsin.

□ 1515

At the same time, punitive policies which limit teachers' and administrators' abilities to manage their classrooms have further hampered student achievement. It is past time we renew the promise of an ESEA which has students' best interests at heart.

I meet with teachers and administrators from Wisconsin's Second Congressional District regularly and was stunned when I was told that one-third of a school's staff turned over last year because schools lack the financial support and autonomy they need to give students the educational experience they deserve. Teachers are being asked to do more with less, and it is coming at the expense of our kids' education.

While this bill is not perfect, I am pleased that we are finally discussing a bill today that aims to put students first and trusts our teachers, who dedicate their careers to education. This bill trusts and empowers teachers to ensure their voices are heard on the Federal, State, and local level, while increasing teacher quality and professional development and reducing the burden of testing in schools.

These are good improvements, Mr. Speaker, good for our Nation's children. And that is why I support this bill.

Mr. KLINE. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. BISHOP), another member of the committee.

Mr. BISHOP of Michigan. Mr. Speaker, I would too like to voice my appreciation to Chairman KLINE and the ranking member for their hard work on this legislation.

I am a father of three children in the K–12 education system in my hometown. And I think all of us would agree

here that we have a moral obligation to ensure the best possible educational environment for our children.

Unfortunately, the past 25 years have seen student achievement actually go down. We can blame that on a lot of things. There is plenty of blame to go around. But the best question that we can ask today is: What is Congress going to do about it?

And the answer, I believe, begins with the Every Student Succeeds Act. It is a bipartisan bill that helps to limit the role of Federal bureaucrats, restore local control, and empower parents.

The Wall Street Journal has called this ''the largest shift of Federal control to the States in a quarter-century.'' And they are precisely correct. It gives more flexibility back to local school districts and gives States the right to set their own standards. So if a State wants out of Common Core, they would have the option to do that.

What is more, parents can get information on local school performance so they can do what is best for their children. And when it comes to holding schools accountable, State and local leaders will get that responsibility back, as they should.

But, above all, this bill replaces the No Child Left Behind Act. I think we can all agree that our current system is broken.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KLINE. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. BISHOP of Michigan. So let's make a difference here today and adopt a smart public policy. Do it for our children. Make sure that they have an excellent education.

I urge my colleagues to vote ''yes'' on the Every Student Succeeds Act.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts (Ms. CLARK).

Ms. CLARK of Massachusetts. Mr. Speaker, I thank Chairman KLINE and Ranking Member SCOTT for their leadership on this bill and for proving that Congress can listen to our educators, administrators, and communities and put the needs of our students first.

We all know that a great country deserves great schools. And I am pleased to join champions of education in both Chambers, both sides of the aisle, in supporting this blueprint for schools that invites every child to participate, no matter a child's income, race, ZIP Code, or disability.

This bill helps fulfill the unrealized promise of No Child Left Behind by protecting resources for schools in underserved communities. It provides accountability and equality of access while reducing reliance on high-stakes tests. It creates opportunities for our most vulnerable students—homeless and foster youth—who have suffered abuse and those who have experienced trauma. And, for the first time, we have a bill that invests in early learning through Preschool Development Grants.

This legislation brings us closer to ensuring that every child gets a fair shot at their dream.

I thank my colleagues for their work and commitment to our country's children and to our economic future.

Mr. KLINE. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Ms. ADAMS).

Ms. ADAMS. I thank the gentleman from Virginia for yielding.

Mr. Speaker, the Elementary and Secondary Education Act of 1965 played a major role in ensuring all students have access to quality education. Because of this legislation, over the past 50 years, we have made remarkable progress in closing the achievement gap that plagues many low-income students. However, we still have a lot of work to do.

The last reauthorization, No Child Left Behind, was signed into law in 2002 and hasn't been updated since. In that time, we have seen many changes in our education system and the needs of our students and educators, in addition to the unintended consequences of No Child Left Behind.

So I am proud today that we are finally moving forward with a bipartisan bill that keeps the best interests of American students and educators in mind. The Every Student Succeeds Act is a true embodiment of what a stronger reauthorized Elementary and Secondary Education Act should look like.

This legislation upholds the key principles of equal access to education for all, rich or poor, and upholds accountability systems that ensure success. From promoting access to early education to supporting our neediest students and our teachers and investing in STEM education, this legislation puts our students first and helps to close achievement gaps.

Our children are our future. Educating them shouldn't be a Democrat or a Republican issue. So I urge all of my colleagues to support our students by supporting this critical bipartisan legislation.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. I thank the chairman as well as the ranking member for their hard work on this bill. Thank you for getting us to this important day.

Today, I rise in support of the Every Student Succeeds Act. This bicameral legislation improves K–12 education by repealing No Child Left Behind and scales back Washington's role in education by restoring authority to those who know our students best.

As we have seen, the current top-down approach is not working. The arms of Washington have extended far too long into the classroom. We need a change; American students deserve a change. And the Every Student Succeeds Act is a powerful step forward in reforming our educational system.

This legislation stops Federal micromanagement of local schools, gets rid of unnecessary programs, downsizes the Federal education bureaucracy, places new restrictions on the authority of the Secretary of Education, and, most importantly, restores control back to the local level, letting States and school districts address the needs of our students.

Teachers, school officials, and parents have an ear to the ground each day. They know what our schoolchildren need to succeed. This is what I hear every time I am in the district. Washington bureaucrats do not belong in the classroom.

I am proud to support this legislation that gives students the tools they need for a successful future. I urge my colleagues to vote ''yes'' on the conference report.

Mr. SCOTT of Virginia. Mr. Speaker, may I inquire how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Virginia has 7 minutes remaining, and the gentleman from Minnesota has 11½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DESAULNIER).

Mr. DESAULNIER. I thank the gentleman for yielding.

Mr. Speaker, I want to say what a pleasure it is to be here to support the Every Student Succeeds Act, having spent much of my first year in the district going to school districts and schools.

And I will be able to go back in the coming weeks and say that we have this bipartisan compromise through the hard work of Chairman KLINE and Ranking Member SCOTT and Chairman ALEXANDER and Ranking Member MURRAY. So I congratulate and thank them for their hard work.

I am also pleased to see that a number of priorities I share with my Democratic and Republican colleagues were included in the final version of the landmark bill.

The conference report for Every Student Succeeds Act sets national education standards that ensure all American students, regardless of geography, socioeconomic status, race, or gender, receive a quality education.

Included in the bill are several measures that I am proud to have worked on with colleagues which are meant to protect students. I am pleased that a number of them, such as promoting efficient and effective Head Start programs, protecting student athletes from concussions, and providing students with academic and extracurricular support beyond the normal school day, which we know is important, were included.

While the concussion-related provisions of the bill are an important first step, it does not go far enough to combat the devastating physical and neurological impacts of brain injuries like those we recently heard about sustained by Hall of Fame football player Frank Gifford. There is a demonstrated need for increased vigilance and improved education on this important

topic, and I look forward to working with my colleagues on this and other issues.

Again, I want to thank the chairman and the ranking member, and I urge all my colleagues to support this very important piece of legislation.

Mr. KLINE. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, when ESEA was first signed in 1965, it was a critical piece of civil rights legislation. In fact, when President Lyndon Johnson signed the bill, he said it bridges the gap between helplessness and hope for millions of students affected by it.

The bill before us today maintains President Johnson's commitment to the achievement of every child, regardless of race, socioeconomic background, or ZIP Code.

Many of my colleagues have talked about the new flexibility provided in the bill. Well, that is true, but it is flexibility to meet the learning needs of every kid, not the flexibility to fail.

Flexibility does not mean freedom from responsibility. States are accountable for the achievement of each and every child under this bill, and I am confident that President Obama wouldn't sign any bill that doesn't maintain strong civil rights protections. And I would never support a bill that would allow students to be swept under the rug.

This bill upholds the spirit of the original Elementary and Secondary Education Act. I am proud to support it today and support innovative solutions to improve the opportunities for learning that every child in our country has.

Mr. KLINE. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a lot has been said about the work being done in this committee. I think it is important to point out that the chair and I didn't do all this work. His staff, Senator MURRAY's staff, and Senator ALEXANDER's staff worked hard.

I would like to read the names of some of the members of my staff that worked on this legislation, starting with Denise Forte, Brian Kennedy, Jacque Chevalier, Helen Pajcic, Christian Haines, Kevin McDermott, Alex Payne, Kiara Pesante, Arika Trim, Rayna Reid, Michael Taylor, Austin Barbera, and Veronique Pluviose.

Also, House Legislation Council staff Anna Shpak, Susan Fleishman, and Brendan Gallagher worked hard on this legislation; and Congressional Research Service staff Becky Skinner and Jody Feder.

I would like to mention those names as hardworking members that have brought about all of this bipartisan cooperation.

I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader.

Ms. PELOSI. I thank the gentleman for yielding and for his extraordinary leadership as the new ranking member on the Education and the Workforce Committee, bringing with him all of his commitment to education in our country as well as his knowledge of the connection of young people to our justice system and how to provide opportunities for them in the safest possible way. I thank Mr. SCOTT for his great leadership.

We are all very, very proud of you. I know your predecessor in this role, Mr. George Miller, would be as well.

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I thank you, Chairman KLINE, for your leadership as well and for enabling this bipartisan legislation to come to the floor. I salute the chairman and ranking member in the Senate as well.

Fifty years ago our Nation took a bold and historic step forward for educational opportunity, for the strength of our economy, and for the health of our democracy, which is based on an informed electorate, enacting the ESEA.

Today the Elementary and Secondary Education Act stands as one of the landmark victories in both the struggle for civil rights and the War on Poverty.

At the bill signing in 1965, President Lyndon B. Johnson, himself a former teacher, explained: ''No law I have signed or will ever sign means more to the future of America.'' President Johnson added: ''Education is the only valid passport from poverty.''

In addition to what it returns to the individual and enables that person to reach his or her aspirations, education brings much to our economy. In fact, nothing brings more to the Treasury of our country than investments in education, from early childhood education, K–12, which we are addressing today, higher education, postsecondary education, lifetime learning.

Indeed, the ESEA's commitment to expanding education access, especially to our most vulnerable students, has proven essential to bridging the gap between poverty and possibility for generations of Americans.

Yet, for the first time in our Nation's history, more than half of the students attending public school live in poverty. To close the opportunity gap, we must close the education gap that limits the future of so many children and communities.

Today we are thankful to be passing a bipartisan agreement that will strengthen the education of all of our children. It helps States to improve low-performing schools and empowers teachers and administrators with better training and support.

It targets funding to the most at-risk and needy students, with enhanced title I investments. It provides vital resources for English language learners and homeless youth.

It amplifies the voices of educators and parents, what we have always wanted, schools, a place where children can learn, teachers can teach, and parents can participate. It replaces high-stakes testing with State and local district flexibility.

We are bolstering our commitment to strong STEM, arts, and early education for children in every ZIP code.

In our area and other parts of the country, we call STEM STEAM, Science, Technology, Engineering, Arts, and Mathematics, all of that reinforced in this legislation.

With these improvements in the ESEA authorization before us, it is no wonder that this agreement is supported by a far-ranging coalition, including the U.S. Chamber of Commerce, the Business Roundtable, the National Governors Association, the Leadership Conference of Civil and Human Rights, AFT and NEA, two leading teachers unions, the National Center for Learning Disabilities, and many more.

We all agree that education is a national security issue. President Eisenhower taught us that. It is also an economic issue. It is one of the most pressing civil rights issues of our time.

With this legislation, we help ensure that access to high-quality education is the right of every student.

I urge my colleagues to join me in passing this strong bipartisan reauthorization of the historic ESEA, the Every Student Succeeds Act.

Once again I thank the distinguished chairman, Mr. KLINE, and our ranking member, of whom we are very, very, proud as well, Mr. SCOTT.

Mr. KLINE. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of my time.

As has already been pointed out, this bill does not include everything everybody wanted. But the civil rights and education community both support the legislation because of the significant civil rights implications in the bill. This will go a long way in giving equal opportunity in education.

Mr. Speaker, I include in the RECORD a long list of education and civil rights organizations that have endorsed the bill.

ESSA ENDORSEMENT MASTER LIST

Alliance for Excellent Education (AEE), American Federation of School Administrators (AFSA), American Federation of Teachers (AFT), American Library Association (ALA), Association for Career and Technical Education (ACTE), Association of University Centers on Disabilities (AUCD), Business Roundtable (BRT), Business Civil Rights Coalition, California Children's Advocacy Coalition, Chiefs for Change (C4C), Communities in Schools (CIS), Consortium for Citizens with Disabilities (CCD), Cooperative Council for Oklahoma School Administration (CCOSA), Council for Exceptional Children

(CEC), Council of Chief State School Officers (CCSSO), Council of Parent Attorneys and Advocates (COPAA), Council of the Great City Schools (CGCS), Democrats for Education Reform (DFER), Easter Seals, Education Trust.

Grantmakers in the Arts (GIRTS), Interstate Migrant Education Council (IMEC), Knowledge Alliance (KA), Los Angeles Unified School District (LAUSD), Magnet Schools of America (MSA), National Alliance for Public Charter Schools (NAPCS), National Association of Charter School Authorizers (NACSA), National Association of Councils on Developmental Disabilities (NACDD), National Association of Elementary School Principals (NAESP), National Association of Federally Impacted Schools (NAFIS), National Association of School Psychologists (NASP), National Association of Secondary School Principals (NASSP), National Association of State Boards of Education (NASBE), National Center for Learning Disabilities (NCLD), National Center for Special Education in Charter Schools (NCSECS), National Center for Technological Literacy (NCTL), National Council of La Raza (NCLR), National Council of State Legislatures (NCSL), National Disability Rights Network (NDRN), National Education Association (NEA).

National Governors Association (NGA), National PTA, National School Boards Association (NSBA), PACER Center, Software & Information Industry Association (SIIA), STEM Education Coalition, Teach For America (TFA), The Leadership Conference on Civil and Human Rights (LCCHR), The School Superintendents Association (AASA), Union of Orthodox Jewish Congregations of America (OU), US Chamber of Commerce, United Way Worldwide.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the chair for his cooperation and hard work, and I urge our Members to support the bill.

I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I yield myself the balance of my time.

I want to start by thanking my colleagues on the committee in the House and in the Senate, particularly the Ranking Member, Mr. SCOTT, Senators ALEXANDER and MURRAY, and their staffs. We would absolutely not be here today without their hard work.

Today is a big day. We have an important opportunity to approve a bill that will replace No Child Left Behind with new policies that reduce the Federal role, restore local control, and empower parents, three principles that will help every child in every school receive a quality education.

This effort began in earnest almost 5 years ago. It was February 10, 2011, when the Education and the Workforce Committee held its first hearing under the new Republican majority to examine the challenges and opportunities facing K–12 classrooms.

Since that first hearing, we have held dozens of hearings and multiple markups and spent many hours on the floor considering amendments and debating competing ideas for improving education. All of those efforts are reflected in the final bill we have today.

Behind all of that hard work was a team of dedicated staff. They put in long hours and sacrificed a great deal to draft the House and Senate proposals, move them through our respective committees and chambers, and then went to work developing this bipartisan, bicameral bill we are discussing today.

My friend and colleague, the ranking member, Mr. SCOTT, talked about members of his staff and what a fantastic job they have done, and I know from many reports that they put in an awful lot of hours.

In fact, Mr. Speaker, this process has been underway for so long that some staff who started this journey with us have now moved on to other endeavors: former staffers, including James Bergeron, Alex Sollberger, Casey Buboltz, Heather Couri, Dan Shorts, Matt Frame, Angelyn Shapiro, and Barrett Karr.

And then there are those who are with us today and many who have been a part of this effort from the beginning. I wish I had time to recognize everybody, but I have a few minutes and am going to recognize quite a few of them: Republican staff members on our committee, including Janelle Belland, Krisann Pearce, Lauren Aronson, Dominique McKay, Lauren Reddington, Sheariah Yousefi, James Forester, Kathlyn Ehl, Leslie Tatum, Mandy Schaumburg, Brian Newell.

Of course, I would like to recognize the Republican Staff Director, Juliane Sullivan, who always leads the team with patience, skill, and determination; Amy Jones, our education policy staff director, who was a firm, yet fair, negotiator throughout the entire process.

And last, but certainly not least, our senior education policy advisor is Brad Thomas, sitting here patiently beside me today. According to our most recent estimates, Brad has spent more than 60 straight days here at the office working out the details of this final bill. We could not have done it without his knowledge, expertise, and dedication.

Brad, we are grateful for your service.

Again, because of the hard work of both Republican and Democrat staff on the Education and the Workforce Committee, as well as the staff of Senators MURRAY and ALEXANDER, we will soon have a new education law that helps every child in every school receive an excellent education.

I would remind all of my colleagues that, when we come in to vote a little later this afternoon, it is a binary choice. You can vote for this new direction, give our children a better opportunity, or you can vote to keep No Child Left Behind the law of the land. It is an either-or choice.

I urge my colleagues to vote ''yes'' on the conference report to accompany S. 1177.

I yield back the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I support the Every Student Succeeds Act. It preserves critical civil rights protections for students, maintains the historic commitment to low-income children and communities, and strikes a delicate balance between federal accountability and state flexibility to meet local needs. I thank Ranking Member BOBBY SCOTT and Chairman KLINE—as well as the former Committee leaders George Miller and Buck McKeon—for their leadership. This is not a perfect bill, but it is a good bill. It represents an improvement over the current waiver process and over the outdated, one-size-fits-all, punitive No Child Left Behind law. I especially am proud that the bill includes multiple provisions that I have championed for years.

Foremost, the bill maintains federal accountability in public education. The Elementary and Secondary Education Act at its heart is a civil rights law, and, as such, it is essential that the federal government provide oversight to ensure equal educational opportunity under the law. Although the bill transfers considerable power to the states to oversee their improvement and limits some Secretarial authority, it requires states to take action in every school in which any group of students is consistently underperforming under the state's accountability system, in all high school dropout factories where one-third or more of students fail to graduate, and in the lowest-performing 5 percent of schools.

The bill enhances transparency into the educational success of vulnerable students. Many years ago, I wanted to know how African American boys were doing in school only to learn that we did not know because we did not collect student data in a way to answer that question. I have fought to change this because we cannot develop educational interventions to help students—especially vulnerable students—if we lack a clear understanding of how various groups of students are learning. This bill requires reporting of outcomes and indicators by important student characteristics to inform our understanding of student learning and direct interventions.

Further, the bill adds to the our understanding of student experiences by including critical information about discipline practices, including rate of suspensions, expulsions, referrals to law enforcement, and school-related arrests. Given that African Americans—especially African-American boys—disproportionately experience harsh discipline that contributes to the school-to-prison pipeline, clear information about actual practice is key. Importantly, the bill also discourages the overuse of exclusionary and dangerous discipline practices by requiring state plans to describe how they will improve learning by decreasing such practices. Similarly, the Every Student Succeeds Act promises to improve the school environment for students by decreasing bullying. For over a decade I have led a bill to direct greater federal resources to promote bullying-free learning environments. In addition to requiring states and districts to report incidents of discipline, bullying, and harassment, the bill provides funding for states and localities to implement evidenced-based positive behavioral interventions and supports and other successful approaches that improve behavior, reduce harsh discipline, and decrease bullying and harassment so that teachers can teach and students can learn.

The bill addresses key educational challenges for foster youth for which I have advocated, including: ensuring that foster youth can remain in their current school when they enter care or change placements when doing so is in their best interest; allowing immediate enrollment in a new school, prompt access to

educational records, and assistance in transferring and recovering credits to remain on track for graduation; assuring a point of contact for foster youth within the education system when such a contact exists in the corresponding child welfare agency; requiring school districts and child welfare agencies to work together to ensure funding for transportation exists to allow students to remain in their schools of origin and to remove negative effects of unreliable transportation; and mandating that the Department of Education and Health and Human Services report on the progress made in and remaining barriers to addressing educational stability. Further, the bill requires states and localities to report on the student outcomes of foster youth and homeless youth to better understand their educational attainment.

The bill provides critical protections for students with disabilities that I have promoted, such as advancing high learning standards for students with the most significant disabilities. It caps the use of alternative, less-rigorous tests for students with the most significant cognitive disabilities at one percent of all students and prohibits states from counting lesser credentials as a regular high school diploma.

The bill does many additional important things. It invests in teachers by improving professional supports, recognizing that states and localities are better-suited to implement teacher evaluations than federal officials, and requiring collaboration with teachers and the prohibition on overturning existing collective bargaining agreements if states voluntarily develop teacher evaluation programs. It helps improve equitable distribution of resources among school districts, promotes responsible testing policies that reduce over-testing and discourage the use of tests for high-stakes decisions, expands early childhood education, increases federal investment in education, and maintains the historic and necessary state financial commitment to education.

This bill does raise concerns and the need for vigilance. With the greater responsibility given to states, there is a heightened need for monitoring by the federal government, advocates, and the civil rights community to ensure that critical supports go to the schools and students in need to close achievement gaps and improve learning.

This is not a perfect bill, but it is a good bill that advances educational opportunity. I urge my colleagues to join me in supporting its passage.

Mr. BARLETTA. Mr. Speaker, I am honored today to support the Every Student Succeeds Act.

This bipartisan bill will end the unworkable, one-size-fits all No Child Left Behind Act and give control of our kids' education back to our states, local school districts, teachers, and parents. I have always believed that educational decisions are best left to the people who are closest to the students, and that means moving power out of Washington, D.C. and back into our own communities.

It restores state and local control by allowing states to opt out of federal education programs, protecting states' abilities to control their own standards and assessments, and providing school districts with more funding flexibility.

It empowers parents by preventing federal interference in private and home schools, promoting school choice by strengthening charter and magnet schools, and allowing funds in eligible school districts to follow students to the schools they actually attend.

And, it includes unprecedented restrictions on the Secretary of Education's authority, and prevents the federal government from requiring or coercing states to adopt the Common Core curriculum.

Most importantly, it reauthorizes the 21st Century Community Learning Centers (21st CCLC) program as a separate and directed federal funding stream under Title IV.

The 21st CCLC program is the only federal funding source for our nation's afterschool programs, which students and working families across America rely on each and every day. In my district in Pennsylvania, the program provides 49 percent of total funding for SHINE, or ''Schools and Homes In Education,'' a successful afterschool educational program in Carbon and Luzerne counties.

I have worked on SHINE for many years back home with my friend, state Senator John Yudichak—a Democrat—because helping our kids succeed should always be a bipartisan cause. And, we have succeeded in making it one today.

Afterschool programs like SHINE are known to improve academic achievement, increase school attendance, and engage families in education. They also keep our kids safe resulting in lower incidences of drug-use and violence.

Where I'm from in Pennsylvania, this is extremely important. Gangs have become a big and persistent problem in some of our neighborhoods.

In the end, this is truly a banner day for the school children of northeastern Pennsylvania and across the country. SHINE and countless other afterschool programs have touched so many families and given kids education opportunities they otherwise would not have had.

I know these programs help families and I can assure my constituents that I will continue to advocate and support afterschool programs here in Congress both now and in the future.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to express my support for the Every Student Succeeds Act. This bill is a much-needed improvement to No Child Left Behind (NCLB). The fundamental purpose of the Elementary and Secondary Education Act (ESEA) was created to ensure that disadvantaged children are provided a high-quality education that allows them to compete on a level playing field with their more-advantaged peers. I believe this bill is a step in the right direction.

I believe No Child Left Behind (NCLB) is flawed and must be reformed. Reauthorization presents a tremendous opportunity to make much-needed improvements and brings our education system into the 21st century.

For too many years, Congress has stalled in updating the standards for our nation's students. I applaud the efforts of this body for working across the aisle to make sure that every student has the tools they need to succeed.

The Every Student Succeeds Act strengthens critical programs and uses funds for the promotion of innovation, increased access to STEM education, arts education, literacy, community involvement in schools, teacher quality, and other important programs.

This conference authorizes the Preschool Development Grants program that will supplement existing funds to improve coordination, quality and access for early childhood education.

I urge my colleagues to vote for the Every Student Succeeds Act and support reauthorization that restores our nation's commitment to providing equal opportunity for all students regardless of their background and protect our country's students including the most vulnerable, which was the intention of this landmark civil rights law.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the Every Student Succeeds Act to finally address serious flaws in federal education law and reject the old ''one-size-fits-all'' approach while continuing to hold states and schools accountable for the learning of every child. I thank Ranking Member Bobby Scott for his tireless efforts to support students in underserved communities and close the achievement gap.

Today's bill provides needed flexibility in the classroom while maintaining ''guardrails'' to make sure that all students have the opportunity to succeed. It scales back the singular focus on high-stakes testing with a broader and more representative accountability system that will help identify and address gaps. It includes evidence-based interventions for schools where students aren't learning or aren't graduating. And it targets resources to the students who need them most.

The bill allows for funding for critical supports, including mental health, drug and violence prevention, and Youth PROMISE plans. There are resources for a well-rounded education, including arts, geography, history, and foreign language. Dedicated funding is preserved for Promise Neighborhoods and Full-Service Community Schools to coordinate services for children and families, and for afterschool programs to provide out-of-school time opportunities. It will be critical to provide adequate funding for these priorities through the appropriations process.

The Every Student Succeeds Act includes important funding for early childhood education programs that help provide a strong start for children. I strongly support efforts to provide universal pre-K, and today's bill is a good step to improving coordination of early learning opportunities. Today's bill is not perfect, but it is a strong compromise and a critical improvement over current law. As Congress has worked to rewrite this law, I am grateful to the teachers, parents, administrators, school board members, students, and many others in Maryland schools who have shared their experiences and input with me. I look forward to continuing to work with them to ensure that this legislation is implemented and funded in a way that works for our schools and students.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of the Every Student Succeeds Act (ESSA), a reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965. The ESEA was a landmark civil rights bill that boosted the academic achievement of low-income and minority students, and I am pleased to see its much-needed reauthorization, following its previous reauthorization in the 2001 No Child Left Behind Act. I must acknowledge, however, that the ESSA is not a perfect bill. For example, this bill does not require student data to be disaggregated for Asian American and Pacific Islander subgroups, and does not require states to act if federal resources are given inequitably to schools.

However, the bill is a significant improvement over the No Child Left Behind Act and the ESEA reauthorization that passed out of the House earlier this year. For example, I was heartened to see that the bill includes academic standards that will prepare students for college and careers, requirements for states to intervene in schools in need of government support, removal of No Child Left Behind's most punitive provisions, and increased monitoring, regulation, and focus on the unique needs of English Language Learners. These provisions are critical to helping underserved students achieve academic and lifelong success.

I was also pleased to see that the ESSA includes strong language to address violence in our schools and communities. For example, it maintains dedicated funding for afterschool programs and makes violence prevention and trauma support efforts eligible for federal funds, provisions which Congresswoman KAREN BASS and I urged in a letter to education leaders last month.

For these reasons, I am proud to stand in support of this bipartisan legislation in order to improve the quality of education received by our country's most vulnerable students.

Mr. ROKITA. Mr. Speaker, I am pleased to offer the following Joint Statement of Legislative Intent on the Conference Report to accompany S. 1177, the Every Student Succeeds Act, on behalf of myself and Mr. JOHN KLINE, Chairman of the Education and the Workforce Committee.

JOINT STATEMENT OF LEGISLATIVE INTENT ON CONFERENCE REPORT TO ACCOMPANY S. 1177, THE EVERY STUDENT SUCCEEDS ACT

Like our colleagues, we support this conference report because we believe states and school districts should be left to set their own education priorities. The House-passed bill included strong prohibitions that clearly did just that. The conference report maintains strong, unprecedented prohibitions on the Secretary of Education. For example,

Section 1111(e) clearly states the Secretary may not add any requirements or criteria outside the scope of this act, and further says the Secretary may not ''be in excess of statutory authority given to the Secretary.'' This section goes on to lay out specific terms the Secretary cannot prescribe, sets clear limits on the guidance the Secretary may offer, and also clearly states that the Secretary is prohibited from defining terms that are inconsistent with or outside the scope of this Act.

Then there are provisions in Titles I and VIII that ensure standards and curriculum are left to the discretion of states without federal control or mandates, and the same is true for assessments.

Finally, the conference report also includes a Sense of Congress that states and local educational agencies retain the right and responsibility of determining educational curriculum, programs of instruction, and assessments.

The conference report makes it clear the Secretary is not to put any undue limits on the ability of states to determine their accountability systems, their standards, or what tests they give their students. The clear intent and legislative language of this report devolves authority over education decisions back to the states and severely limits the Secretary's ability to interfere in any way.

Ensuring a limited role for the U.S. Secretary of Education was a critically important priority throughout the reauthorization process and this agreement meets that priority.

For example, the Secretary may not limit the ability of states to determine how the measures of student performance are weighted within state accountability systems. The Secretary also cannot prescribe school support and improvement strategies, or any aspect of a state's teacher evaluation system, or the methodology used to differentiate schools in a state.

Also, the Secretary may not create new policy by creatively defining terms in the law. Let us say definitively, as the Chairman of the Education and the Workforce Committee and Subcommittee Chairman of the subcommittee of jurisdiction, this new law reins in the Secretary and ensures state and local education officials make the decisions about their schools under this new law.

Over the past few years, the Secretary has exceeded his authority by placing conditions on waivers to states and local educational agencies. The conference report prevents the Secretary from applying any new conditions on waivers or the state plans required in the law by including language that clearly states the Secretary may not add any new conditions for the approval of waivers or state plans that are outside the scope of the law. In plain English, this means if the law does not give the Secretary the authority to require something, then he may not unilaterally create an ability to do that.

We are glad to be able to support a bill that will return control to states, where it should always be, and appreciate the strong support of colleagues as well.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 542, the previous question is ordered.

The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KLINE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 22, SURFACE TRANSPORTATION REAUTHORIZATION AND REFORM ACT OF 2015

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 114–360) on the resolution (H. Res. 546) providing for consideration of the conference report to accompany the bill (H.R. 22) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill, H.R. 8.

The SPEAKER pro tempore (Mr. POLIQUIN). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 542 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 8.

Will the gentleman from Illinois (Mr. DOLD) kindly take the chair.

□ 1541

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes, with Mr. DOLD (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, December 1, 2015, all time for general debate pursuant to House Resolution 539 had expired.

Pursuant to House Resolution 542, no further general debate shall be in order.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–36. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''North American Energy Security and Infrastructure Act of 2015''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MODERNIZING AND PROTECTING INFRASTRUCTURE

Subtitle A—Energy Delivery, Reliability, and Security

Sec. 1101. FERC process coordination.
Sec. 1102. Resolving environmental and grid reliability conflicts.
Sec. 1103. Emergency preparedness for energy supply disruptions.
Sec. 1104. Critical electric infrastructure security.
Sec. 1105. Strategic Transformer Reserve.
Sec. 1106. Cyber Sense.
Sec. 1107. State coverage and consideration of PURPA standards for electric utilities.

Sec. 1108. Reliability analysis for certain rules that affect electric generating facilities.
Sec. 1109. Carbon capture, utilization, and sequestration technologies.
Sec. 1110. Reliability and performance assurance in Regional Transmission Organizations.
Subtitle B—Energy Security and Infrastructure Modernization
Sec. 1201. Energy Security and Infrastructure Modernization Fund.
Subtitle C—Hydropower Regulatory Modernization
Sec. 1301. Hydroelectric production and efficiency incentives.
Sec. 1302. Protection of private property rights in hydropower licensing.
Sec. 1303. Extension of time for FERC project involving W. Kerr Scott Dam.
Sec. 1304. Hydropower licensing and process improvements.
Sec. 1305. Judicial review of delayed Federal authorizations.
Sec. 1306. Licensing study improvements.
Sec. 1307. Closed-loop pumped storage projects.
Sec. 1308. License amendment improvements.
Sec. 1309. Promoting hydropower development at existing nonpowered dams.
TITLE II—21ST CENTURY WORKFORCE
Sec. 2001. Energy and manufacturing workforce development.
TITLE III—ENERGY SECURITY AND DIPLOMACY
Sec. 3001. Sense of Congress.
Sec. 3002. Energy security valuation.
Sec. 3003. North American energy security plan.
Sec. 3004. Collective energy security.
Sec. 3005. Strategic Petroleum Reserve mission readiness plan.
Sec. 3006. Authorization to export natural gas.
TITLE IV—ENERGY EFFICIENCY AND ACCOUNTABILITY
Subtitle A—Energy Efficiency
CHAPTER 1—FEDERAL AGENCY ENERGY EFFICIENCY
Sec. 4111. Energy-efficient and energy-saving information technologies.
Sec. 4112. Energy efficient data centers.
Sec. 4113. Report on energy and water savings potential from thermal insulation.
Sec. 4114. Federal purchase requirement.
Sec. 4115. Energy performance requirement for Federal buildings.
Sec. 4116. Federal building energy efficiency performance standards; certification system and level for Federal buildings.
Sec. 4117. Operation of battery recharging stations in parking areas used by Federal employees.
CHAPTER 2—ENERGY EFFICIENT TECHNOLOGY AND MANUFACTURING
Sec. 4121. Inclusion of Smart Grid capability on Energy Guide labels.
Sec. 4122. Voluntary verification programs for air conditioning, furnace, boiler, heat pump, and water heater products.
Sec. 4123. Facilitating consensus furnace standards.
Sec. 4124. Future of Industry program.
Sec. 4125. No warranty for certain certified Energy Star products.
Sec. 4126. Clarification to effective date for regional standards.
Sec. 4127. Internet of Things report.
CHAPTER 3—ENERGY PERFORMANCE CONTRACTING
Sec. 4131. Use of energy and water efficiency measures in Federal buildings.
CHAPTER 4—SCHOOL BUILDINGS
Sec. 4141. Coordination of energy retrofitting assistance for schools.
CHAPTER 5—BUILDING ENERGY CODES
Sec. 4151. Greater energy efficiency in building codes.
Sec. 4152. Voluntary nature of building asset rating program.
CHAPTER 6—EPCA TECHNICAL CORRECTIONS AND CLARIFICATIONS
Sec. 4161. Modifying product definitions.
Sec. 4162. Clarifying rulemaking procedures.
CHAPTER 7—ENERGY AND WATER EFFICIENCY
Sec. 4171. Smart energy and water efficiency pilot program.
Sec. 4172. WaterSense.
Subtitle B—Accountability
CHAPTER 1—MARKET MANIPULATION, ENFORCEMENT, AND COMPLIANCE
Sec. 4211. FERC Office of Compliance Assistance and Public Participation.
CHAPTER 2—MARKET REFORMS
Sec. 4221. GAO study on wholesale electricity markets.
Sec. 4222. Clarification of facility merger authorization.
CHAPTER 3—CODE MAINTENANCE
Sec. 4231. Repeal of off-highway motor vehicles study.
Sec. 4232. Repeal of methanol study.
Sec. 4233. Repeal of residential energy efficiency standards study.
Sec. 4234. Repeal of weatherization study.
Sec. 4235. Repeal of report to Congress.
Sec. 4236. Repeal of report by General Services Administration.
Sec. 4237. Repeal of intergovernmental energy management planning and coordination workshops.
Sec. 4238. Repeal of Inspector General audit survey and President's Council on Integrity and Efficiency report to Congress.
Sec. 4239. Repeal of procurement and identification of energy efficient products program.
Sec. 4240. Repeal of national action plan for demand response.
Sec. 4241. Repeal of national coal policy study.
Sec. 4242. Repeal of study on compliance problem of small electric utility systems.
Sec. 4243. Repeal of study of socioeconomic impacts of increased coal production and other energy development.
Sec. 4244. Repeal of study of the use of petroleum and natural gas in combustors.
Sec. 4245. Repeal of submission of reports.
Sec. 4246. Repeal of electric utility conservation plan.
Sec. 4247. Technical amendment to Powerplant and Industrial Fuel Use Act of 1978.
Sec. 4248. Emergency energy conservation repeals.
Sec. 4249. Repeal of State utility regulatory assistance.
Sec. 4250. Repeal of survey of energy saving potential.
Sec. 4251. Repeal of photovoltaic energy program.
Sec. 4252. Repeal of energy auditor training and certification.
CHAPTER 4—USE OF EXISTING FUNDS
Sec. 4261. Use of existing funds.
TITLE V—NATIONAL ENERGY SECURITY CORRIDORS
Sec. 5001. Short title.
Sec. 5002. Designation of National Energy Security Corridors on Federal lands.
Sec. 5003. Notification requirement.
TITLE VI—ELECTRICITY RELIABILITY AND FOREST PROTECTION
Sec. 6001. Short title.
Sec. 6002. Vegetation management, facility inspection, and operation and maintenance on Federal lands containing electric transmission and distribution facilities.

TITLE I—MODERNIZING AND PROTECTING INFRASTRUCTURE

Subtitle A—Energy Delivery, Reliability, and Security

SEC. 1101. FERC PROCESS COORDINATION.

Section 15 of the Natural Gas Act (15 U.S.C. 717n) is amended—

(1) by amending subsection (b)(2) to read as follows:

''(2) OTHER AGENCIES.—

''(A) IN GENERAL.—Each Federal and State agency considering an aspect of an application for Federal authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.

''(B) IDENTIFICATION.—The Commission shall identify, as early as practicable after it is notified by a prospective applicant of a potential project requiring Commission authorization, any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for that Federal authorization.

''(C) NOTIFICATION.—

''(i) IN GENERAL.—The Commission shall notify any agency identified under subparagraph (B) of the opportunity to cooperate or participate in the review process.

''(ii) DEADLINE.—A notification issued under clause (i) shall establish a deadline by which a response to the notification shall be submitted, which may be extended by the Commission for good cause.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following new subparagraph:

''(B) set deadlines for all such Federal authorizations; and'';

(B) by striking paragraph (2); and

(C) by adding at the end the following new paragraphs:

''(2) DEADLINE FOR FEDERAL AUTHORIZATIONS.—A final decision on a Federal authorization is due no later than 90 days after the Commission issues its final environmental document, unless a schedule is otherwise established by Federal law.

''(3) CONCURRENT REVIEWS.—Each Federal and State agency considering an aspect of an application for a Federal authorization shall—

''(A) carry out the obligations of that agency under applicable law concurrently, and in conjunction, with the review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the agency to conduct needed analysis or otherwise carry out those obligations;

''(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of required Federal authorizations no later than 90 days after the Commission issues its final environmental document; and

''(C) transmit to the Commission a statement—

''(i) acknowledging receipt of the schedule established under paragraph (1); and

''(ii) setting forth the plan formulated under subparagraph (B) of this paragraph.

''(4) ISSUE IDENTIFICATION AND RESOLUTION.—

''(A) IDENTIFICATION.—Federal and State agencies that may consider an aspect of an application for Federal authorization shall identify, as early as possible, any issues of concern that may delay or prevent an agency from working with the Commission to resolve such issues and granting such authorization.

''(B) ISSUE RESOLUTION.—The Commission may forward any issue of concern identified under subparagraph (A) to the heads of the relevant agencies (including, in the case of a failure by the State agency, the Federal agency overseeing the delegated authority) for resolution.

''(5) FAILURE TO MEET SCHEDULE.—If a Federal or State agency does not complete a proceeding for an approval that is required for a Federal authorization in accordance with the schedule established by the Commission under paragraph (1)—

''(A) the applicant may pursue remedies under section 19(d); and

''(B) the head of the relevant Federal agency (including, in the case of a failure by a State agency, the Federal agency overseeing the delegated authority) shall notify Congress and the Commission of such failure and set forth a recommended implementation plan to ensure completion of the proceeding for an approval.'';

(3) by redesignating subsections (d) through (f) as subsections (g) through (i), respectively; and

(4) by inserting after subsection (c) the following new subsections:

''(d) REMOTE SURVEYS.—If a Federal or State agency considering an aspect of an application for Federal authorization requires the applicant to submit environmental data, the agency shall consider any such data gathered by aerial or other remote means that the applicant submits. The agency may grant a conditional approval for Federal authorization, conditioned on the verification of such data by subsequent onsite inspection.

''(e) APPLICATION PROCESSING.—The Commission, and Federal and State agencies, may allow an applicant seeking Federal authorization to fund a third-party contractor to assist in reviewing the application.

''(f) ACCOUNTABILITY, TRANSPARENCY, EFFICIENCY.—For applications requiring multiple Federal authorizations, the Commission, with input from any Federal or State agency considering an aspect of an application, shall track and make available to the public on the Commission's website information related to the actions required to complete permitting, reviews, and other actions required. Such information shall include the following:

''(1) The schedule established by the Commission under subsection (c)(1).

''(2) A list of all the actions required by each applicable agency to complete permitting, reviews, and other actions necessary to obtain a final decision on the Federal authorization.

''(3) The expected completion date for each such action.

''(4) A point of contact at the agency accountable for each such action.

''(5) In the event that an action is still pending as of the expected date of completion, a brief explanation of the reasons for the delay.''.

SEC. 1102. RESOLVING ENVIRONMENTAL AND GRID RELIABILITY CONFLICTS.

(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2) With respect to an order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation, the Commission shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

''(3) To the extent any omission or action taken by a party, that is necessary to comply with an order issued under this subsection, including any omission or action taken to voluntarily comply with such order, results in noncompliance with, or causes such party to not comply with, any Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

''(4)(A) An order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation shall expire not later than 90 days after it is issued. The Commission may renew or reissue such order pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Commission determines necessary to meet the emergency and serve the public interest.

''(B) In renewing or reissuing an order under subparagraph (A), the Commission shall consult with the primary Federal agency with expertise in the environmental interest protected by such law or regulation, and shall include in any such renewed or reissued order such conditions as such Federal agency determines necessary to minimize any adverse environmental impacts to the extent practicable. The conditions, if any, submitted by such Federal agency shall be made available to the public. The Commission may exclude such a condition from the renewed or reissued order if it determines that such condition would prevent the order from adequately addressing the emergency necessitating such order and provides in the order, or otherwise makes publicly available, an explanation of such determination.

''(5) If an order issued under this subsection is subsequently stayed, modified, or set aside by a court pursuant to section 313 or any other provision of law, any omission or action previously taken by a party that was necessary to comply with the order while the order was in effect, including any omission or action taken to voluntarily comply with the order, shall remain subject to paragraph (3).''.

(b) TEMPORARY CONNECTION OR CONSTRUCTION BY MUNICIPALITIES.—Section 202(d) of the Federal Power Act (16 U.S.C. 824a(d)) is amended by inserting ''or municipality'' before ''engaged in the transmission or sale of electric energy''.

SEC. 1103. EMERGENCY PREPAREDNESS FOR ENERGY SUPPLY DISRUPTIONS.

(a) FINDING.—Congress finds that recent natural disasters have underscored the importance of having resilient oil and natural gas infrastructure and effective ways for industry and government to communicate to address energy supply disruptions.

(b) AUTHORIZATION FOR ACTIVITIES TO ENHANCE EMERGENCY PREPAREDNESS FOR NATURAL DISASTERS.—The Secretary of Energy shall develop and adopt procedures to—

(1) improve communication and coordination between the Department of Energy's energy response team, Federal partners, and industry;

(2) leverage the Energy Information Administration's subject matter expertise within the Department's energy response team to improve supply chain situation assessments;

(3) establish company liaisons and direct communication with the Department's energy response team to improve situation assessments;

(4) streamline and enhance processes for obtaining temporary regulatory relief to speed up emergency response and recovery;

(5) facilitate and increase engagement among States, the oil and natural gas industry, and the Department in developing State and local energy assurance plans;

(6) establish routine education and training programs for key government emergency response positions with the Department and States; and

(7) involve States and the oil and natural gas industry in comprehensive drill and exercise programs.

(c) COOPERATION.—The activities carried out under subsection (b) shall include collaborative efforts with State and local government officials and the private sector.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the effectiveness of the activities authorized under this section.

SEC. 1104. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

(a) CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding after section 215 the following new section:

''SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

''(a) DEFINITIONS.—For purposes of this section:

''(1) BULK-POWER SYSTEM; ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—The terms 'bulk-power system', 'Electric Reliability Organization', and 'regional entity' have the meanings given such terms in paragraphs (1), (2), and (7) of section 215(a), respectively.

''(2) CRITICAL ELECTRIC INFRASTRUCTURE.—The term 'critical electric infrastructure' means a system or asset of the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters.

''(3) CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—The term 'critical electric infrastructure information' means information related to critical electric infrastructure, or proposed critical electrical infrastructure, generated by or provided to the Commission or other Federal agency, other than classified national security information, that is designated as critical electric infrastructure information by the Commission under subsection (d)(2). Such term includes information that qualifies as critical energy infrastructure information under the Commission's regulations.

''(4) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—The term 'defense critical electric infrastructure' means any electric infrastructure located in the United States (including the territories) that serves a facility designated by the Secretary pursuant to subsection (c), but is not owned or operated by the owner or operator of such facility.

''(5) ELECTROMAGNETIC PULSE.—The term 'electromagnetic pulse' means 1 or more pulses of electromagnetic energy emitted by a device capable of disabling or disrupting operation of, or destroying, electronic devices or communications networks, including hardware, software, and data, by means of such a pulse.

''(6) GEOMAGNETIC STORM.—The term 'geomagnetic storm' means a temporary disturbance of the Earth's magnetic field resulting from solar activity.

''(7) GRID SECURITY EMERGENCY.—The term 'grid security emergency' means the occurrence or imminent danger of—

''(A)(i) a malicious act using electronic communication or an electromagnetic pulse, or a geomagnetic storm event, that could disrupt the operation of those electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of critical electric infrastructure or of defense critical electric infrastructure; and

''(ii) disruption of the operation of such devices or networks, with significant adverse effects on the reliability of critical electric infrastructure or of defense critical electric infrastructure, as a result of such act or event; or

''(B)(i) a direct physical attack on critical electric infrastructure or on defense critical electric infrastructure; and

''(ii) significant adverse effects on the reliability of critical electric infrastructure or of defense critical electric infrastructure as a result of such physical attack.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(b) AUTHORITY TO ADDRESS GRID SECURITY EMERGENCY.—

''(1) AUTHORITY.—Whenever the President issues and provides to the Secretary a written

directive or determination identifying a grid security emergency, the Secretary may, with or without notice, hearing, or report, issue such orders for emergency measures as are necessary in the judgment of the Secretary to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure during such emergency. As soon as practicable but not later than 180 days after the date of enactment of this section, the Secretary shall, after notice and opportunity for comment, establish rules of procedure that ensure that such authority can be exercised expeditiously.

''(2) NOTIFICATION OF CONGRESS.—Whenever the President issues and provides to the Secretary a written directive or determination under paragraph (1), the President shall promptly notify congressional committees of relevant jurisdiction, including the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, of the contents of, and justification for, such directive or determination.

''(3) CONSULTATION.—Before issuing an order for emergency measures under paragraph (1), the Secretary shall, to the extent practicable in light of the nature of the grid security emergency and the urgency of the need for action, consult with appropriate governmental authorities in Canada and Mexico, entities described in paragraph (4), the Electricity Sub-sector Coordinating Council, the Commission, and other appropriate Federal agencies regarding implementation of such emergency measures.

''(4) APPLICATION.—An order for emergency measures under this subsection may apply to—

''(A) the Electric Reliability Organization;

''(B) a regional entity; or

''(C) any owner, user, or operator of critical electric infrastructure or of defense critical electric infrastructure within the United States.

''(5) EXPIRATION AND REISSUANCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an order for emergency measures issued under paragraph (1) shall expire no later than 15 days after its issuance.

''(B) EXTENSIONS.—The Secretary may reissue an order for emergency measures issued under paragraph (1) for subsequent periods, not to exceed 15 days for each such period, provided that the President, for each such period, issues and provides to the Secretary a written directive or determination that the grid security emergency identified under paragraph (1) continues to exist or that the emergency measure continues to be required.

''(6) COST RECOVERY.—

''(A) CRITICAL ELECTRIC INFRASTRUCTURE.—If the Commission determines that owners, operators, or users of critical electric infrastructure have incurred substantial costs to comply with an order for emergency measures issued under this subsection and that such costs were prudently incurred and cannot reasonably be recovered through regulated rates or market prices for the electric energy or services sold by such owners, operators, or users, the Commission shall, consistent with the requirements of section 205, after notice and an opportunity for comment, establish a mechanism that permits such owners, operators, or users to recover such costs.

''(B) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—To the extent the owner or operator of defense critical electric infrastructure is required to take emergency measures pursuant to an order issued under this subsection, the owners or operators of a critical defense facility or facilities designated by the Secretary pursuant to subsection (c) that rely upon such infrastructure shall bear the full incremental costs of the measures.

''(7) TEMPORARY ACCESS TO CLASSIFIED INFORMATION.—The Secretary, and other appropriate Federal agencies, shall, to the extent practicable and consistent with their obligations to protect classified information, provide temporary access to classified information related to a grid security emergency for which emergency measures are issued under paragraph (1) to key personnel of any entity subject to such emergency measures to enable optimum communication between the entity and the Secretary and other appropriate Federal agencies regarding the grid security emergency.

''(c) DESIGNATION OF CRITICAL DEFENSE FACILITIES.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with other appropriate Federal agencies and appropriate owners, users, or operators of infrastructure that may be defense critical electric infrastructure, shall identify and designate facilities located in the United States (including the territories) that are—

''(1) critical to the defense of the United States; and

''(2) vulnerable to a disruption of the supply of electric energy provided to such facility by an external provider.

The Secretary may, in consultation with appropriate Federal agencies and appropriate owners, users, or operators of defense critical electric infrastructure, periodically revise the list of designated facilities as necessary.

''(d) PROTECTION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—

''(1) PROTECTION OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—Critical electric infrastructure information—

''(A) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

''(B) shall not be made available by any Federal, State, political subdivision or tribal authority pursuant to any Federal, State, political subdivision or tribal law requiring public disclosure of information or records.

''(2) DESIGNATION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—Not later than one year after the date of enactment of this section, the Commission, in consultation with the Secretary of Energy, shall promulgate such regulations and issue such orders as necessary to—

''(A) designate information as critical electric infrastructure information;

''(B) prohibit the unauthorized disclosure of critical electric infrastructure information;

''(C) ensure there are appropriate sanctions in place for Commissioners, officers, employees, or agents of the Commission who knowingly and willfully disclose critical electric infrastructure information in a manner that is not authorized under this section; and

''(D) taking into account standards of the Electric Reliability Organization, facilitate voluntary sharing of critical electric infrastructure information with, between, and by—

''(i) Federal, State, political subdivision, and tribal authorities;

''(ii) the Electric Reliability Organization;

''(iii) regional entities;

''(iv) information sharing and analysis centers established pursuant to Presidential Decision Directive 63;

''(v) owners, operators, and users of critical electric infrastructure in the United States; and

''(vi) other entities determined appropriate by the Commission.

''(3) CONSIDERATIONS.—In promulgating regulations and issuing orders under paragraph (2), the Commission shall take into consideration the role of State commissions in reviewing the prudence and cost of investments, determining the rates and terms of conditions for electric services, and ensuring the safety and reliability of the bulk-power system and distribution facilities within their respective jurisdictions.

''(4) PROTOCOLS.—The Commission shall, in consultation with Canadian and Mexican authorities, develop protocols for the voluntary sharing of critical electric infrastructure information with Canadian and Mexican authorities and owners, operators, and users of the bulk-power system outside the United States.

''(5) NO REQUIRED SHARING OF INFORMATION.—Nothing in this section shall require a person or entity in possession of critical electric infrastructure information to share such information with Federal, State, political subdivision, or tribal authorities, or any other person or entity.

''(6) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall permit or authorize the withholding of information from Congress, any committee or subcommittee thereof, or the Comptroller General.

''(7) DISCLOSURE OF NONPROTECTED INFORMATION.—In implementing this section, the Commission shall protect from disclosure only the minimum amount of information necessary to protect the security and reliability of the bulk-power system and distribution facilities. The Commission shall segregate critical electric infrastructure information within documents and electronic communications, wherever feasible, to facilitate disclosure of information that is not designated as critical electric infrastructure information.

''(8) DURATION OF DESIGNATION.—Information may not be designated as critical electric infrastructure information for longer than 5 years, unless specifically re-designated by the Commission.

''(9) REMOVAL OF DESIGNATION.—The Commission shall remove the designation of critical electric infrastructure information, in whole or in part, from a document or electronic communication if the Commission determines that the unauthorized disclosure of such information could no longer be used to impair the security or reliability of the bulk-power system or distribution facilities.

''(10) JUDICIAL REVIEW OF DESIGNATIONS.—Notwithstanding section 313(b), any determination by the Commission concerning the designation of critical electric infrastructure information under this subsection shall be subject to review under chapter 7 of title 5, United States Code, except that such review shall be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia. In such a case the court shall examine in camera the contents of documents or electronic communications that are the subject of the determination under review to determine whether such documents or any part thereof were improperly designated or not designated as critical electric infrastructure information.

''(e) SECURITY CLEARANCES.—The Secretary shall facilitate and, to the extent practicable, expedite the acquisition of adequate security clearances by key personnel of any entity subject to the requirements of this section, to enable optimum communication with Federal agencies regarding threats to the security of the critical electric infrastructure. The Secretary, the Commission, and other appropriate Federal agencies shall, to the extent practicable and consistent with their obligations to protect classified and critical electric infrastructure information, share timely actionable information regarding grid security with appropriate key personnel of owners, operators, and users of the critical electric infrastructure.

''(f) CLARIFICATIONS OF LIABILITY.—

''(1) COMPLIANCE WITH OR VIOLATION OF THIS ACT.—Except as provided in paragraph (4), to the extent any action or omission taken by an entity that is necessary to comply with an order for emergency measures issued under subsection (b)(1), including any action or omission taken to voluntarily comply with such order, results in noncompliance with, or causes such entity not to comply with any rule, order, regulation, or provision of this Act, including any reliability standard approved by the Commission pursuant to section 215, such action or omission shall not be considered a violation of such rule, order, regulation, or provision.

''(2) RELATION TO SECTION 202(c).—Except as provided in paragraph (4), an action or omission taken by an owner, operator, or user of critical

electric infrastructure or of defense critical electric infrastructure to comply with an order for emergency measures issued under subsection (b)(1) shall be treated as an action or omission taken to comply with an order issued under section 202(c) for purposes of such section.

''(3) SHARING OR RECEIPT OF INFORMATION.—No cause of action shall lie or be maintained in any Federal or State court for the sharing or receipt of information under, and that is conducted in accordance with, subsection (d).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require dismissal of a cause of action against an entity that, in the course of complying with an order for emergency measures issued under subsection (b)(1) by taking an action or omission for which they would be liable but for paragraph (1) or (2), takes such action or omission in a grossly negligent manner.''.

(b) CONFORMING AMENDMENTS.—

(1) JURISDICTION.—Section 201(b)(2) of the Federal Power Act (16 U.S.C. 824(b)(2)) is amended by inserting ''215A,'' after ''215,'' each place it appears.

(2) PUBLIC UTILITY.—Section 201(e) of the Federal Power Act (16 U.S.C. 824(e)) is amended by inserting ''215A,'' after ''215,''.

SEC. 1105. STRATEGIC TRANSFORMER RESERVE.

(a) FINDING.—Congress finds that the storage of strategically located spare large power transformers and emergency mobile substations will reduce the vulnerability of the United States to multiple risks facing electric grid reliability, including physical attack, cyber attack, electromagnetic pulse, geomagnetic disturbances, severe weather, and seismic events.

(b) DEFINITIONS.—In this section:

(1) BULK-POWER SYSTEM.—The term ''bulk-power system'' has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) CRITICALLY DAMAGED LARGE POWER TRANSFORMER.—The term ''critically damaged large power transformer'' means a large power transformer that—

(A) has sustained extensive damage such that—

(i) repair or refurbishment is not economically viable; or

(ii) the extensive time to repair or refurbish the large power transformer would create an extended period of instability in the bulk-power system; and

(B) prior to sustaining such damage, was part of the bulk-power system.

(3) CRITICAL ELECTRIC INFRASTRUCTURE.—The term ''critical electric infrastructure'' has the meaning given that term in section 215A of the Federal Power Act.

(4) ELECTRIC RELIABILITY ORGANIZATION.—The term ''Electric Reliability Organization'' has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(5) EMERGENCY MOBILE SUBSTATION.—The term ''emergency mobile substation'' means a mobile substation or mobile transformer that is—

(A) assembled and permanently mounted on a trailer that is capable of highway travel and meets relevant Department of Transportation regulations; and

(B) intended for express deployment and capable of being rapidly placed into service.

(6) LARGE POWER TRANSFORMER.—The term ''large power transformer'' means a power transformer with a maximum nameplate rating of 100 megavolt-amperes or higher, including related critical equipment, that is, or is intended to be, a part of the bulk-power system.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(8) SPARE LARGE POWER TRANSFORMER.—The term ''spare large power transformer'' means a large power transformer that is stored within the Strategic Transformer Reserve to be available to temporarily replace a critically damaged large power transformer.

(c) STRATEGIC TRANSFORMER RESERVE PLAN.—

(1) PLAN.—Not later than one year after the date of enactment of this Act, the Secretary, acting through the Office of Electricity Delivery and Energy Reliability, shall, in consultation with the Federal Energy Regulatory Commission, the Electricity Sub-sector Coordinating Council, the Electric Reliability Organization, and owners and operators of critical electric infrastructure and defense and military installations, prepare and submit to Congress a plan to establish a Strategic Transformer Reserve for the storage, in strategically located facilities, of spare large power transformers and emergency mobile substations in sufficient numbers to temporarily replace critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations.

(2) INCLUSIONS.—The Strategic Transformer Reserve plan shall include a description of—

(A) the appropriate number and type of spare large power transformers necessary to provide or restore sufficient resiliency to the bulk-power system, critical electric infrastructure, and defense and military installations to mitigate significant impacts to the electric grid resulting from—

(i) physical attack;

(ii) cyber attack;

(iii) electromagnetic pulse attack;

(iv) geomagnetic disturbances;

(v) severe weather; or

(vi) seismic events;

(B) other critical electric grid equipment for which an inventory of spare equipment, including emergency mobile substations, is necessary to provide or restore sufficient resiliency to the bulk-power system, critical electric infrastructure, and defense and military installations;

(C) the degree to which utility sector actions or initiatives, including individual utility ownership of spare equipment, joint ownership of spare equipment inventory, sharing agreements, or other spare equipment reserves or arrangements, satisfy the needs identified under subparagraphs (A) and (B);

(D) the potential locations for, and feasibility and appropriate number of, strategic storage locations for reserve equipment, including consideration of—

(i) the physical security of such locations;

(ii) the protection of the confidentiality of such locations; and

(iii) the proximity of such locations to sites of potentially critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations, so as to enable efficient delivery of equipment to such sites;

(E) the necessary degree of flexibility of spare large power transformers to be included in the Strategic Transformer Reserve to conform to different substation configurations, including consideration of transformer—

(i) power and voltage rating for each winding;

(ii) overload requirements;

(iii) impedance between windings;

(iv) configuration of windings; and

(v) tap requirements;

(F) an estimate of the direct cost of the Strategic Transformer Reserve, as proposed, including—

(i) the cost of storage facilities;

(ii) the cost of the equipment; and

(iii) management, maintenance, and operation costs;

(G) the funding options available to establish, stock, manage, and maintain the Strategic Transformer Reserve, including consideration of fees on owners and operators of bulk-power system facilities, critical electric infrastructure, and defense and military installations relying on the Strategic Transformer Reserve, use of Federal appropriations, and public-private cost-sharing options;

(H) the ease and speed of transportation, installation, and energization of spare large power transformers to be included in the Strategic Transformer Reserve, including consideration of factors such as—

(i) transformer transportation weight;

(ii) transformer size;

(iii) topology of critical substations;

(iv) availability of appropriate transformer mounting pads;

(v) flexibility of the spare large power transformers as described in subparagraph (E); and

(vi) ability to rapidly transition a spare large power transformer from storage to energization;

(I) eligibility criteria for withdrawal of equipment from the Strategic Transformer Reserve;

(J) the process by which owners or operators of critically damaged large power transformers or substations that are critical electric infrastructure or serve defense and military installations may apply for a withdrawal from the Strategic Transformer Reserve;

(K) the process by which equipment withdrawn from the Strategic Transformer Reserve is returned to the Strategic Transformer Reserve or is replaced;

(L) possible fees to be paid by users of equipment withdrawn from the Strategic Transformer Reserve;

(M) possible fees to be paid by owners and operators of large power transformers and substations that are critical electric infrastructure or serve defense and military installations to cover operating costs of the Strategic Transformer Reserve;

(N) the domestic and international large power transformer supply chain;

(O) the potential reliability, cost, and operational benefits of including emergency mobile substations in any Strategic Transformer Reserve established under this section; and

(P) other considerations for designing, constructing, stocking, funding, and managing the Strategic Transformer Reserve.

(d) ESTABLISHMENT.—The Secretary may establish a Strategic Transformer Reserve in accordance with the plan prepared pursuant to subsection (c) after the date that is 6 months after the date on which such plan is submitted to Congress.

(e) DISCLOSURE OF INFORMATION.—Any information included in the Strategic Transformer Reserve plan, or shared in the preparation and development of such plan, the disclosure of which could cause harm to critical electric infrastructure, shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records.

SEC. 1106. CYBER SENSE.

(a) IN GENERAL.—The Secretary of Energy shall establish a voluntary Cyber Sense program to identify and promote cyber-secure products intended for use in the bulk-power system, as defined in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(b) PROGRAM REQUIREMENTS.—In carrying out subsection (a), the Secretary of Energy shall—

(1) establish a Cyber Sense testing process to identify products and technologies intended for use in the bulk-power system, including products relating to industrial control systems, such as supervisory control and data acquisition systems;

(2) for products tested and identified under the Cyber Sense program, establish and maintain cybersecurity vulnerability reporting processes and a related database;

(3) promulgate regulations regarding vulnerability reporting processes for products tested and identified under the Cyber Sense program;

(4) provide technical assistance to utilities, product manufacturers, and other electric sector stakeholders to develop solutions to mitigate identified vulnerabilities in products tested and identified under the Cyber Sense program;

(5) biennially review products tested and identified under the Cyber Sense program for vulnerabilities and provide analysis with respect

to how such products respond to and mitigate cyber threats;

(6) develop procurement guidance for utilities for products tested and identified under the Cyber Sense program;

(7) provide reasonable notice to the public, and solicit comments from the public, prior to establishing or revising the Cyber Sense testing process;

(8) oversee Cyber Sense testing carried out by third parties; and

(9) consider incentives to encourage the use in the bulk-power system of products tested and identified under the Cyber Sense program.

(c) DISCLOSURE OF INFORMATION.—Any vulnerability reported pursuant to regulations promulgated under subsection (b)(3), the disclosure of which could cause harm to critical electric infrastructure (as defined in section 215A of the Federal Power Act), shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records.

(d) FEDERAL GOVERNMENT LIABILITY.—Consistent with other voluntary Federal Government certification programs, nothing in this section shall be construed to authorize the commencement of an action against the United States Government with respect to the testing and identification of a product under the Cyber Sense program.

SEC. 1107. STATE COVERAGE AND CONSIDERATION OF PURPA STANDARDS FOR ELECTRIC UTILITIES.

(a) STATE CONSIDERATION OF RESILIENCY AND ADVANCED ENERGY ANALYTICS TECHNOLOGIES AND RELIABLE GENERATION.—

(1) CONSIDERATION.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding the following at the end:

''(20) IMPROVING THE RESILIENCE OF ELECTRIC INFRASTRUCTURE.—

''(A) IN GENERAL.—Each electric utility shall develop a plan to use resiliency-related technologies, upgrades, measures, and other approaches designed to improve the resilience of electric infrastructure, mitigate power outages, continue delivery of vital services, and maintain the flow of power to facilities critical to public health, safety, and welfare, to the extent practicable using the most current data, metrics, and frameworks related to current and future threats, including physical and cyber attacks, electromagnetic pulse attacks, geomagnetic disturbances, seismic events, and severe weather and other environmental stressors.

''(B) RESILIENCY-RELATED TECHNOLOGIES.—For purposes of this paragraph, examples of resiliency-related technologies, upgrades, measures, and other approaches include—

''(i) hardening, or other enhanced protection, of utility poles, wiring, cabling, and other distribution components, facilities, or structures;

''(ii) advanced grid technologies capable of isolating or repairing problems remotely, such as advanced metering infrastructure, high-tech sensors, grid monitoring and control systems, and remote reconfiguration and redundancy systems;

''(iii) cybersecurity products and components;

''(iv) distributed generation, including backup generation to power critical facilities and essential services, and related integration components, such as advanced inverter technology;

''(v) microgrid systems, including hybrid microgrid systems for isolated communities;

''(vi) combined heat and power;

''(vii) waste heat resources;

''(viii) non-grid-scale energy storage technologies;

''(ix) wiring, cabling, and other distribution components, including submersible distribution components, and enclosures;

''(x) electronically controlled reclosers and similar technologies for power restoration, including emergency mobile substations, as defined in section 1105 of the North American Energy Security and Infrastructure Act of 2015;

''(xi) advanced energy analytics technology, such as Internet-based and cloud-based computing solutions and subscription licensing models;

''(xii) measures that enhance resilience through planning, preparation, response, and recovery activities;

''(xiii) operational capabilities to enhance resilience through rapid response recovery; and

''(xiv) measures to ensure availability of key critical components through contracts, cooperative agreements, stockpiling and prepositioning, or other measures.

''(C) RATE RECOVERY.—Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) shall consider authorizing each such electric utility to recover any capital, operating expenditure, or other costs of the electric utility related to the procurement, deployment, or use of resiliency-related technologies, including a reasonable rate of return on the capital expenditures of the electric utility for the procurement, deployment, or use of resiliency-related technologies.

''(21) PROMOTING INVESTMENTS IN ADVANCED ENERGY ANALYTICS TECHNOLOGY.—

''(A) IN GENERAL.—Each electric utility shall develop and implement a plan for deploying advanced energy analytics technology.

''(B) RATE RECOVERY.—Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) shall consider confirming and clarifying, if necessary, that each such electric utility is authorized to recover the costs of the electric utility relating to the procurement, deployment, or use of advanced energy analytics technology, including a reasonable rate of return on all such costs incurred by the electric utility for the procurement, deployment, or use of advanced energy analytics technology, provided such technology is used by the electric utility for purposes of realizing operational efficiencies, cost savings, enhanced energy management and customer engagement, improvements in system reliability, safety, and cybersecurity, or other benefits to ratepayers.

''(C) ADVANCED ENERGY ANALYTICS TECHNOLOGY.—For purposes of this paragraph, examples of advanced energy analytics technology include Internet-based and cloud-based computing solutions and subscription licensing models, including software as a service that uses cyber-physical systems to allow the correlation of data aggregated from appropriate data sources and smart grid sensor networks, employs analytics and machine learning, or employs other advanced computing solutions and models.

''(22) ASSURING ELECTRIC RELIABILITY WITH RELIABLE GENERATION.—

''(A) ASSURANCE OF ELECTRIC RELIABILITY.—Each electric utility shall adopt or modify policies to ensure that such electric utility incorporates reliable generation into its integrated resource plan to assure the availability of electric energy over a 10-year planning period.

''(B) RELIABLE GENERATION.—For purposes of this paragraph, 'reliable generation' means electric generation facilities with reliability attributes that include—

''(i)(I) possession of adequate fuel on-site to enable operation for an extended period of time;

''(II) the operational ability to generate electric energy from more than one source; or

''(III) fuel certainty, through firm contractual obligations, that ensures adequate fuel supply to enable operation, for an extended period of time, for the duration of an emergency or severe weather conditions;

''(ii) operational characteristics that enable the generation of electric energy for the duration of an emergency or severe weather conditions; and

''(iii) unless procured through other procurement mechanisms, essential reliability services, including frequency support and regulation services.

''(23) SUBSIDIZATION OF CUSTOMER-SIDE TECHNOLOGY.—

''(A) CONSIDERATION.—To the extent that a State regulatory authority may require or allow rates charged by any electric utility for which it has ratemaking authority to electric consumers that do not use a customer-side technology to include any cost, fee, or charge that directly or indirectly cross-subsidizes the deployment, construction, maintenance, or operation of that customer-side technology, such authority shall evaluate whether subsidizing the deployment, construction, maintenance, or operation of a customer-side technology would—

''(i) result in benefits predominately enjoyed by only the users of that customer-side technology;

''(ii) shift costs of a customer-side technology to electricity consumers that do not use that customer-side technology, particularly where disparate economic or resource conditions exist among the electricity consumers cross-subsidizing the costumer-side technology;

''(iii) negatively affect resource utilization, fuel diversity, or grid security;

''(iv) provide any unfair competitive advantage to market the customer-side technology; and

''(v) be necessary to fulfill an obligation to serve electric consumers.

''(B) PUBLIC NOTICE.—Each State regulatory authority shall make available to the public the evaluation completed under subparagraph (A) at least 90 days prior to any proceedings in which such authority considers the cross-subsidization of a customer-side technology.

''(C) CUSTOMER-SIDE TECHNOLOGY.—For purposes of this paragraph, the term 'customer-side technology' means a device connected to the electricity distribution system—

''(i) at, or on the customer side of, the meter; or

''(ii) that, if owned or operated by or on behalf of an electric utility, would otherwise be at, or on the customer side of, the meter.''.

(2) COMPLIANCE.—

(A) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

''(7)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility, as applicable, shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standards established by paragraphs (20), (22), and (23) of section 111(d).

''(B) Not later than 2 years after the date of the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility, as applicable, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraphs (20), (22), and (23) of section 111(d).

''(8)(A) Not later than 6 months after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (21) of section 111(d).

''(B) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall complete the consideration, and shall make the determination, referred to in section 111 with respect to the standard established by paragraph (21) of section 111(d).''.

(B) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of

1978 (16 U.S.C. 2622(c)) is amended by adding the following at the end: ''In the case of the standards established by paragraphs (20) through (23) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs.''.

(C) PRIOR STATE ACTIONS.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following new subsection:

''(g) PRIOR STATE ACTIONS.—Subsections (b) and (c) of this section shall not apply to a standard established by paragraph (20), (21), (22), or (23) of section 111(d) in the case of any electric utility in a State if—

''(1) before the date of enactment of this subsection, the State has implemented for such utility the standard concerned (or a comparable standard);

''(2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility during the 3-year period ending on the date of enactment of this subsection; or

''(3) the State legislature has voted on the implementation of the standard concerned (or a comparable standard) for such utility during the 3-year period ending on the date of enactment of this subsection.''.

(b) COVERAGE FOR COMPETITIVE MARKETS.—Section 102 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2612) is amended by adding at the end the following:

''(d) COVERAGE FOR COMPETITIVE MARKETS.—The requirements of this title do not apply to the operations of an electric utility, or to proceedings respecting such operations, to the extent that such operations or proceedings, or any portion thereof, relate to the competitive sale of retail electric energy that is unbundled or separated from the regulated provision or sale of distribution service.''.

SEC. 1108. RELIABILITY ANALYSIS FOR CERTAIN RULES THAT AFFECT ELECTRIC GENERATING FACILITIES.

(a) APPLICABILITY.—This section shall apply with respect to any proposed or final covered rule issued by a Federal agency for which compliance with the rule may impact an electric utility generating unit or units, including by resulting in closure or interruption to operations of such a unit or units.

(b) RELIABILITY ANALYSIS.—

(1) ANALYSIS OF RULES.—The Federal Energy Regulatory Commission, in consultation with the Electric Reliability Organization, shall conduct an independent reliability analysis of a proposed or final covered rule under this section to evaluate the anticipated effects of implementation and enforcement of the rule on—

(A) electric reliability and resource adequacy;

(B) the electricity generation portfolio of the United States;

(C) the operation of wholesale electricity markets; and

(D) energy delivery and infrastructure, including electric transmission facilities and natural gas pipelines.

(2) RELEVANT INFORMATION.—

(A) MATERIALS FROM FEDERAL AGENCIES.—A Federal agency shall provide to the Commission materials and information relevant to the analysis required under paragraph (1) for a rule, including relevant data, modeling, and resource adequacy and reliability assessments, prepared or relied upon by such agency in developing the rule.

(B) ANALYSES FROM OTHER ENTITIES.—The Electric Reliability Organization, regional entities, regional transmission organizations, independent system operators, and other reliability coordinators and planning authorities shall timely conduct analyses and provide such information as may be reasonably requested by the Commission.

(3) NOTICE.—A Federal agency shall provide to the Commission notice of the issuance of any proposed or final covered rule not later than 15 days after the date of such issuance.

(c) PROPOSED RULES.—Not later than 150 days after the date of publication in the Federal Register of a proposed rule described in subsection (a), the Federal Energy Regulatory Commission shall make available to the public an analysis of the proposed rule conducted in accordance with subsection (b), and any relevant special assessment or seasonal or long-term reliability assessment completed by the Electric Reliability Organization.

(d) FINAL RULES.—

(1) INCLUSION.—A final rule described in subsection (a) shall include, if available at the time of issuance, a copy of the analysis conducted pursuant to subsection (c) of the rule as proposed.

(2) ANALYSIS.—Not later than 120 days after the date of publication in the Federal Register of a final rule described in subsection (a), the Federal Energy Regulatory Commission shall make available to the public an analysis of the final rule conducted in accordance with subsection (b), and any relevant special assessment or seasonal or long-term reliability assessment completed by the Electric Reliability Organization.

(e) DEFINITIONS.—In this section:

(1) ELECTRIC RELIABILITY ORGANIZATION.—The term ''Electric Reliability Organization'' has the meaning given to such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) FEDERAL AGENCY.—The term ''Federal agency'' means an agency, as that term is defined in section 551 of title 5, United States Code.

(3) COVERED RULE.—The term ''covered rule'' means a proposed or final rule that is estimated by the Federal agency issuing the rule, or the Director of the Office of Management and Budget, to result in an annual effect on the economy of $1,000,000,000 or more.

SEC. 1109. CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION TECHNOLOGIES.

(a) AMENDMENTS TO THE ENERGY POLICY ACT OF 2005.—

(1) FOSSIL ENERGY.—Section 961(a) of the Energy Policy Act of 2005 (42 U.S.C. 16291(a)) is amended by adding at the end the following:

''(8) Improving the conversion, use, and storage of carbon dioxide produced from fossil fuels.''.

(2) COAL AND RELATED TECHNOLOGIES PROGRAM.—Section 962(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16292(b)(1)) is amended—

(A) by striking ''during each of calendar years 2008, 2010, 2012, and 2016, and during each fiscal year beginning after September 30, 2021,'' and inserting ''during each fiscal year beginning after September 30, 2016,'';

(B) by inserting ''allow for large-scale demonstration and'' after ''technologies that would''; and

(C) by inserting ''commercial use,'' after ''use of coal for''.

(b) INCREASED ACCOUNTABILITY WITH RESPECT TO CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION PROJECTS.—

(1) DOE EVALUATION.—

(A) IN GENERAL.—The Secretary of Energy (in this subsection referred to as the ''Secretary'') shall, in accordance with this subsection, annually conduct an evaluation, and make recommendations, with respect to each project conducted by the Secretary for research, development, demonstration, or deployment of carbon capture, utilization, and sequestration technologies (also known as carbon capture and storage and utilization technologies).

(B) SCOPE.—For purposes of this subsection, a project includes any contract, lease, cooperative agreement, or other similar transaction with a public agency or private organization or person, entered into or performed, or any payment made, by the Secretary for research, development, demonstration, or deployment of carbon capture, utilization, and sequestration technologies.

(2) REQUIREMENTS FOR EVALUATION.—In conducting an evaluation of a project under this subsection, the Secretary shall—

(A) examine if the project has made advancements toward achieving any specific goal of the project with respect to a carbon capture, utilization, and sequestration technology; and

(B) evaluate and determine if the project has made significant progress in advancing a carbon capture, utilization, and sequestration technology.

(3) RECOMMENDATIONS.—For each evaluation of a project conducted under this subsection, if the Secretary determines that—

(A) significant progress in advancing a carbon capture, utilization, and sequestration technology has been made, the Secretary shall assess the funding of the project and make a recommendation as to whether increased funding is necessary to advance the project; or

(B) significant progress in advancing a carbon capture, utilization, and sequestration technology has not been made, the Secretary shall—

(i) assess the funding of the project and make a recommendation as to whether increased funding is necessary to advance the project;

(ii) assess and determine if the project has reached its full potential; and

(iii) make a recommendation as to whether the project should continue.

(4) REPORTS.—

(A) REPORT ON EVALUATIONS AND RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall—

(i) issue a report on the evaluations conducted and recommendations made during the previous year pursuant to this subsection; and

(ii) make each such report available on the Internet website of the Department of Energy.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 3 years thereafter, the Secretary shall submit to the Subcommittee on Energy and Power of the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on—

(i) the evaluations conducted and recommendations made during the previous 3 years pursuant to this subsection; and

(ii) the progress of the Department of Energy in advancing carbon capture, utilization, and sequestration technologies, including progress in achieving the Department of Energy's goal of having an array of advanced carbon capture and sequestration technologies ready by 2020 for large-scale demonstration.

SEC. 1110. RELIABILITY AND PERFORMANCE ASSURANCE IN REGIONAL TRANSMISSION ORGANIZATIONS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.), as amended by section 1104, is further amended by adding after section 215A the following new section:

''SEC. 215B. RELIABILITY AND PERFORMANCE ASSURANCE IN REGIONAL TRANSMISSION ORGANIZATIONS.

''(a) EXISTING CAPACITY MARKETS.—

''(1) ANALYSIS CONCERNING CAPACITY MARKET DESIGN.—Not later than 180 days after the date of enactment of this section, each Regional Transmission Organization, and each Independent System Operator, that operates a capacity market, or a comparable market intended to ensure the procurement and availability of sufficient future electric energy resources, that is subject to the jurisdiction of the Commission, shall provide to the Commission an analysis of how the structure of such market meets the following criteria:

''(A) The structure of such market utilizes competitive market forces to the extent practicable in procuring capacity resources.

''(B) Consistent with subparagraph (A), the structure of such market includes resource-neutral performance criteria that ensure the procurement of sufficient capacity from physical generation facilities that have reliability attributes that include—

''(i)(I) possession of adequate fuel on-site to enable operation for an extended period of time;

''(II) the operational ability to generate electric energy from more than one fuel source; or

''(III) fuel certainty, through firm contractual obligations, that ensures adequate fuel supply to enable operation, for an extended period of time, for the duration of an emergency or severe weather conditions;

''(ii) operational characteristics that enable the generation of electric energy for the duration of an emergency or severe weather conditions; and

''(iii) unless procured through other markets or procurement mechanisms, essential reliability services, including frequency support and regulation services.

''(2) COMMISSION EVALUATION AND REPORT.—Not later than 1 year after the date of enactment of this section, the Commission shall make publicly available, and submit to the Committee on Energy and Commerce in the House of Representatives and the Committee on Energy and Natural Resources in the Senate, a report containing—

''(A) evaluation of whether the structure of each market addressed in an analysis submitted pursuant to paragraph (1) meets the criteria under such paragraph, based on the analysis; and

''(B) to the extent a market so addressed does not meet such criteria, any recommendations with respect to the procurement of sufficient capacity, as described in paragraph (1)(B).

''(b) COMMISSION EVALUATION AND REPORT FOR NEW SCHEDULES.—

''(1) INCLUSION OF ANALYSIS IN FILING.—Except as provided in subsection (a)(2), whenever a Regional Transmission Organization or Independent System Operator files a new schedule under section 205 to establish a market described in subsection (a)(1), or that substantially modifies the capacity market design of a market described in subsection (a)(1), the Regional Transmission Organization or Independent System Operator shall include in any such filing the analysis required by subsection (a)(1).

''(2) EVALUATION AND REPORT.—Not later than 180 days of receiving an analysis under paragraph (1), the Commission shall make publicly available, and submit to the Committee on Energy and Commerce in the House of Representatives and the Committee on Energy and Natural Resources in the Senate, a report containing—

''(A) an evaluation of whether the structure of the market addressed in the analysis meets the criteria under subsection (a)(1), based on the analysis; and

''(B) to the extent the market does not meet such criteria, any recommendations with respect to the procurement of sufficient capacity, as described in subsection (a)(1)(B).

''(c) EFFECT ON EXISTING APPROVALS.—Nothing in this section shall be considered to—

''(1) require a modification of the Commission's approval of the capacity market design approved pursuant to docket numbers ER15–623–000, EL15–29–000, EL14–52–000, and ER14–2419–000; or

''(2) provide grounds for the Commission to grant rehearing or otherwise modify orders issued in those dockets.''.

Subtitle B—Energy Security and Infrastructure Modernization

SEC. 1201. ENERGY SECURITY AND INFRASTRUCTURE MODERNIZATION FUND.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund to be known as the Energy Security and Infrastructure Modernization Fund (referred to in this section as the ''Fund''), consisting of—

(1) collections deposited in the Fund under subsection (c); and

(2) amounts otherwise appropriated to the Fund.

(b) PURPOSE.—The purpose of the Fund is—

(1) to provide for the construction, maintenance, repair, and replacement of Strategic Petroleum Reserve facilities; and

(2) for carrying out non-Strategic Petroleum Reserve projects needed to enhance the energy security of the United States by increasing the resilience, reliability, safety, and security of energy supply, transmission, storage, or distribution infrastructure.

(c) COLLECTION AND DEPOSIT OF SALE PROCEEDS IN FUND.—

(1) DRAWDOWN AND SALE.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), to the extent provided in advance in appropriation Acts, the Secretary of Energy shall draw down and sell crude oil from the Strategic Petroleum Reserve in amounts as authorized under subsection (e), except as provided in paragraphs (2) and (3). Amounts received for a sale under this subsection shall be deposited into the Fund during the fiscal year in which the sale occurs. Such amounts shall remain available in the Fund without fiscal year limitation.

(2) EMERGENCY PROTECTION.—The Secretary shall not draw down and sell crude oil under this subsection in amounts that would limit the authority to sell petroleum products under section 161(h) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)) in the full amount authorized by that subsection.

(3) INVESTMENT PROTECTION.—The Secretary shall not draw down and sell crude oil under this subsection at a price lower than the average price paid for oil in the Strategic Petroleum Reserve.

(d) AUTHORIZED USES OF FUND.—

(1) IN GENERAL.—Amounts in the Fund may be used for, or may be credited as offsetting collections for amounts used for, carrying out the programs described in paragraphs (2), (3), and (4), to the extent provided in advance in appropriation Acts.

(2) PROGRAM TO MODERNIZE THE STRATEGIC PETROLEUM RESERVE.—

(A) FINDINGS.—Congress finds the following:

(i) The Strategic Petroleum Reserve is one of the Nation's most valuable energy security assets.

(ii) The age and condition of the Strategic Petroleum Reserve have diminished its value as a Federal energy security asset.

(iii) Global oil markets and the location and amount of United States oil production and refining capacity have dramatically changed in the 40 years since the establishment of the Strategic Petroleum Reserve.

(iv) Maximizing the energy security value of the Strategic Petroleum Reserve requires a modernized infrastructure that meets the drawdown and distribution needs of changed domestic and international oil and refining market conditions.

(B) REAFFIRMATION OF POLICY.—Congress reaffirms the continuing strategic importance and need for the Strategic Petroleum Reserve as found and declared in section 151 of the Energy Policy and Conservation Act (42 U.S.C. 6231).

(C) PROGRAM.—The Secretary of Energy shall establish a Strategic Petroleum Reserve modernization program to protect the United States economy from the impacts of emergency petroleum product supply disruptions. The program shall include—

(i) operational improvements to extend the useful life of surface and subsurface infrastructure;

(ii) maintenance of cavern storage integrity; and

(iii) addition of infrastructure and facilities to maximize the drawdown and incremental distribution capacity of the Strategic Petroleum Reserve.

(3) PROGRAM TO ENHANCE SAFETY, PERFORMANCE, AND RESILIENCE OF NATURAL GAS DISTRIBUTION SYSTEMS.—

(A) PROGRAM.—The Secretary of Energy shall establish a grant program to provide financial assistance to States to offset the incremental rate increases paid by eligible households resulting from the implementation of State-approved infrastructure replacement, repair, and maintenance programs designed to accelerate the necessary replacement, repair, or maintenance of natural gas distribution systems.

(B) DATE OF ELIGIBILITY.—Awards may be provided under this paragraph to offset rate increases described in subsection (a) occurring on or after July 1, 2015.

(C) PRIORITIZATION.—The Secretary shall collaborate with States to prioritize the distribution of grants made under this paragraph. At a minimum, the Secretary shall consider prioritizing the distribution of grants to States which have—

(i) authorized or adopted enhanced infrastructure replacement programs or innovative rate recovery mechanisms, such as infrastructure cost trackers and riders, infrastructure base rate surcharges, deferred regulatory asset programs, and earnings stability mechanisms; and

(ii) a viable means for delivering financial assistance to eligible households.

(D) DEFINITION.—In this paragraph, the term ''eligible household'' means a household that is eligible to receive payments under section 8624(b)(2) of title 42, United States Code.

(4) PROGRAM TO ENHANCE ELECTRIC INFRASTRUCTURE RESILIENCE, RELIABILITY, AND ENERGY SECURITY.—

(A) PROGRAM.—The Secretary shall establish a competitive grant program to provide grants to States, units of local government, and Indian tribe economic development entities to enhance energy security through measures for electricity delivery infrastructure hardening and enhanced resilience and reliability.

(B) PURPOSE OF GRANTS.—The Secretary may make grants on a competitive basis to enable broader use of resiliency-related technologies, upgrades, and institutional measures and practices designed to—

(i) improve the resilience, reliability, and security of electricity delivery infrastructure;

(ii) improve preparedness and restoration time to mitigate power disturbances resulting from physical and cyber attacks, electromagnetic pulse attacks, geomagnetic disturbances, seismic events, and severe weather and other environmental stressors;

(iii) continue delivery of power to facilities critical to public health, safety, and welfare, including hospitals, assisted living facilities, and schools;

(iv) continue delivery of power to electricity-dependent essential services, including fueling stations and pumps, wastewater and sewage treatment facilities, gas pipeline infrastructure, communications systems, transportation services and systems, and services provided by emergency first responders; and

(v) enhance regional grid resilience and the resilience of electricity-dependent regional infrastructure.

(C) EXAMPLES.—Resiliency-related technologies, upgrades, and measures with respect to which grants may be made under this paragraph include—

(i) hardening, or other enhanced protection, of utility poles, wiring, cabling, and other distribution components, facilities, or structures;

(ii) advanced grid technologies capable of isolating or repairing problems remotely, such as advanced metering infrastructure, high-tech sensors, grid monitoring and control systems, and remote reconfiguration and redundancy systems;

(iii) cybersecurity products and components;

(iv) distributed generation, including back-up generation to power critical facilities and essential services, and related integration components, such as advanced inverter technology;

(v) microgrid systems, including hybrid microgrid systems for isolated communities;

(vi) combined heat and power;

(vii) waste heat resources;

(viii) non-grid-scale energy storage technologies;

(ix) wiring, cabling, and other distribution components, including submersible distribution components, and enclosures;

(x) electronically controlled reclosers and similar technologies for power restoration, including emergency mobile substations, as defined in section 1105 of the North American Energy Security and Infrastructure Act of 2015;

(xi) advanced energy analytics technology, such as Internet-based and cloud-based computing solutions and subscription licensing models;

(xii) measures that enhance resilience through planning, preparation, response, and recovery activities;

(xiii) operational capabilities to enhance resilience through rapid response recovery; and

(xiv) measures to ensure availability of key critical components through contracts, cooperative agreements, stockpiling and prepositioning, or other measures.

(D) IMPLEMENTATION.—Specific projects or programs established, or to be established, pursuant to awards provided under this paragraph shall be implemented through the States by public and publicly regulated entities on a cost-shared basis.

(E) COOPERATION.—In carrying out projects or programs established, or to be established, pursuant to awards provided under this paragraph, award recipients shall cooperate, as applicable, with—

(i) State public utility commissions;

(ii) State energy offices;

(iii) electric infrastructure owners and operators; and

(iv) other entities responsible for maintaining electric reliability.

(F) DATA AND METRICS.—

(i) IN GENERAL.—To the extent practicable, award recipients shall utilize the most current data, metrics, and frameworks related to—

(I) electricity delivery infrastructure hardening and enhancing resilience and reliability; and

(II) current and future threats, including physical and cyber attacks, electromagnetic pulse, geomagnetic disturbances, seismic events, and severe weather and other environmental stressors.

(ii) METRICS.—Award recipients shall demonstrate to the Secretary with measurable and verifiable data how the deployment of resiliency-related technologies, upgrades, and technologies achieve improvements in the resiliency and recovery of electricity delivery infrastructure and related services, including a comparison of data collected before and after deployment. Metrics for demonstrating improvements in resiliency and recovery may include—

(I) power quality during power disturbances when delivered power does not meet power quality requirements of the customer;

(II) duration of customer interruptions;

(III) number of customers impacted;

(IV) cost impacts, including business and other economic losses;

(V) impacts on electricity-dependent essential services and critical facilities; and

(VI) societal impacts.

(iii) FURTHERING ENERGY ASSURANCE PLANS.—Award recipients shall demonstrate to the Secretary how projects or programs established, or to be established, pursuant to awards provided under this paragraph further applicable State and local energy assurance plans.

(G) MATCHING CONTRIBUTIONS.—The Secretary may not make a grant under this paragraph unless the applicant agrees to make available non-Federal contributions (which may include in-kind contributions) in an amount not less than 50 percent of the Federal contribution.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated (and drawdowns and sales under subsection (c) in an equal amount are authorized)—

(1) for carrying out subsection (d)(2), $500,000,000 for the period encompassing fiscal years 2017 through 2020;

(2) for carrying out subsection (d)(3), $100,000,000 for the period encompassing fiscal years 2017 through 2020, of which not more than 5 percent may be used for administrative expenses; and

(3) for carrying out subsection (d)(4), $250,000,000 for the period encompassing fiscal years 2017 through 2020, of which not more than 5 percent may be used for administrative expenses.

(f) TRANSMISSION OF DEPARTMENT BUDGET REQUESTS.—The Secretary of Energy shall prepare and submit in the Department's annual budget request to Congress—

(1) an itemization of the amounts of funds necessary to carry out subsection (d); and

(2) a designation of any activities thereunder for which a multiyear budget authority would be appropriate.

(g) SUNSET.—The authority of the Secretary to drawdown and sell crude oil from the Strategic Petroleum Reserve under this section shall expire at the end of fiscal year 2020.

Subtitle C—Hydropower Regulatory Modernization

SEC. 1301. HYDROELECTRIC PRODUCTION AND EFFICIENCY INCENTIVES.

(a) HYDROELECTRIC PRODUCTION INCENTIVES.—Section 242 of the Energy Policy Act of 2005 (42 U.S.C.15881) is amended—

(1) in subsection (c), by striking ''10'' and inserting ''20'';

(2) in subsection (f), by striking ''20'' and inserting ''30''; and

(3) in subsection (g), by striking ''each of the fiscal years 2006 through 2015'' and inserting ''each of fiscal years 2016 through 2025''.

(b) HYDROELECTRIC EFFICIENCY IMPROVEMENT.—Section 243(c) of the Energy Policy Act of 2005 (42 U.S.C. 15882(c)) is amended by striking ''each of the fiscal years 2006 through 2015'' and inserting ''each of fiscal years 2016 through 2025''.

SEC. 1302. PROTECTION OF PRIVATE PROPERTY RIGHTS IN HYDROPOWER LICENSING.

(a) LICENCES.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(1) by striking ''and'' after ''recreational opportunities,''; and

(2) by inserting '', and minimizing infringement on the useful exercise and enjoyment of property rights held by nonlicensees'' after ''aspects of environmental quality''.

(b) PRIVATE LANDOWNERSHIP.—Section 10 of the Federal Power Act (16 U.S.C. 803) is amended—

(1) in subsection (a)(1), by inserting '', including minimizing infringement on the useful exercise and enjoyment of property rights held by nonlicensees'' after ''section 4(e)''; and

(2) by adding at the end the following:

''(k) PRIVATE LANDOWNERSHIP.—In developing any recreational resource within the project boundary, the licensee shall consider private landownership as a means to encourage and facilitate—

''(1) private investment; and

''(2) increased tourism and recreational use.''.

SEC. 1303. EXTENSION OF TIME FOR FERC PROJECT INVOLVING W. KERR SCOTT DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12642, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

SEC. 1304. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

''SEC. 34. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.

''(a) DEFINITION.—In this section, the term 'Federal authorization'—

''(1) means any authorization required under Federal law with respect to an application for a license, license amendment, or exemption under this part; and

''(2) includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law to approve or implement the license, license amendment, or exemption under this part.

''(b) DESIGNATION AS LEAD AGENCY.—

''(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal authorizations and for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) OTHER AGENCIES AND INDIAN TRIBES.—

''(A) IN GENERAL.—Each Federal, State, and local government agency and Indian tribe considering an aspect of an application for Federal authorization shall coordinate with the Commission and comply with the deadline established in the schedule developed for the project in accordance with the rule issued by the Commission under subsection (c).

''(B) IDENTIFICATION.—The Commission shall identify, as early as practicable after it is notified by the applicant of a project or facility requiring Commission action under this part, any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for a Federal authorization.

''(C) NOTIFICATION.—

''(i) IN GENERAL.—The Commission shall notify any agency and Indian tribe identified under subparagraph (B) of the opportunity to participate in the process of reviewing an aspect of an application for a Federal authorization.

''(ii) DEADLINE.—Each agency and Indian tribe receiving a notice under clause (i) shall submit a response acknowledging receipt of the notice to the Commission within 30 days of receipt of such notice and request.

''(D) ISSUE IDENTIFICATION AND RESOLUTION.—

''(i) IDENTIFICATION OF ISSUES.—Federal, State, and local government agencies and Indian tribes that may consider an aspect of an application for Federal authorization shall identify, as early as possible, and share with the Commission and the applicant, any issues of concern identified during the pendency of the Commission's action under this part relating to any Federal authorization that may delay or prevent the granting of such authorization, including any issues that may prevent the agency or Indian tribe from meeting the schedule established for the project in accordance with the rule issued by the Commission under subsection (c).

''(ii) ISSUE RESOLUTION.—The Commission may forward any issue of concern identified under clause (i) to the heads of the relevant

State and Federal agencies (including, in the case of scheduling concerns identified by a State or local government agency or Indian tribe, the Federal agency overseeing the delegated authority, or the Secretary of the Interior with regard to scheduling concerns identified by an Indian tribe) for resolution. The Commission and any relevant agency shall enter into a memorandum of understanding to facilitate interagency coordination and resolution of such issues of concern, as appropriate.

''(c) SCHEDULE.—

''(1) COMMISSION RULEMAKING TO ESTABLISH PROCESS TO SET SCHEDULE.—Within 180 days of the date of enactment of this section the Commission shall, in consultation with the appropriate Federal agencies, issue a rule, after providing for notice and public comment, establishing a process for setting a schedule following the filing of an application under this part for the review and disposition of each Federal authorization.

''(2) ELEMENTS OF SCHEDULING RULE.—In issuing a rule under this subsection, the Commission shall ensure that the schedule for each Federal authorization—

''(A) includes deadlines for actions by—

''(i) any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for the Federal authorization;

''(ii) the applicant;

''(iii) the Commission; and

''(iv) other participants in a proceeding;

''(B) is developed in consultation with the applicant and any agency and Indian tribe that submits a response under subsection (b)(2)(C)(ii);

''(C) provides an opportunity for any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for the applicable Federal authorization to identify and resolve issues of concern, as provided in subsection (b)(2)(D);

''(D) complies with applicable schedules established under Federal and State law;

''(E) ensures expeditious completion of all proceedings required under Federal and State law, to the extent practicable; and

''(F) facilitates completion of Federal and State agency studies, reviews, and any other procedures required prior to, or concurrent with, the preparation of the Commission's environmental document required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(d) TRANSMISSION OF FINAL SCHEDULE.—

''(1) IN GENERAL.—For each application for a license, license amendment, or exemption under this part, the Commission shall establish a schedule in accordance with the rule issued by the Commission under subsection (c). The Commission shall publicly notice and transmit the final schedule to the applicant and each agency and Indian tribe identified under subsection (b)(2)(B).

''(2) RESPONSE.—Each agency and Indian tribe receiving a schedule under this subsection shall acknowledge receipt of such schedule in writing to the Commission within 30 days.

''(e) ADHERENCE TO SCHEDULE.—All applicants, other licensing participants, and agencies and tribes considering an aspect of an application for a Federal authorization shall meet the deadlines set forth in the schedule established pursuant to subsection (d)(1).

''(f) APPLICATION PROCESSING.—The Commission, Federal, State, and local government agencies, and Indian tribes may allow an applicant seeking a Federal authorization to fund a third-party contractor selected by such agency or tribe to assist in reviewing the application. All costs of an agency or tribe incurred pursuant to direct funding by the applicant, including all costs associated with the third party contractor, shall not be considered costs of the United States for the administration of this part under section 10(e).

''(g) COMMISSION RECOMMENDATION ON SCOPE OF ENVIRONMENTAL REVIEW.—For the purposes of coordinating Federal authorizations for each project, the Commission shall consult with and make a recommendation to agencies and Indian tribes receiving a schedule under subsection (d) on the scope of the environmental review for all Federal authorizations for such project. Each Federal and State agency and Indian tribe shall give due consideration and may give deference to the Commission's recommendations, to the extent appropriate under Federal law.

''(h) FAILURE TO MEET SCHEDULE.—A Federal, State, or local government agency or Indian tribe that anticipates that it will be unable to complete its disposition of a Federal authorization by the deadline set forth in the schedule established under subsection (d)(1) may file for an extension as provided under section 313(b)(2).

''(i) CONSOLIDATED RECORD.—The Commission shall, with the cooperation of Federal, State, and local government agencies and Indian tribes, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State or local government agency or officer or Indian tribe acting under delegated Federal authority) with respect to any Federal authorization. Such record shall constitute the record for judicial review under section 313(b).''.

SEC. 1305. JUDICIAL REVIEW OF DELAYED FEDERAL AUTHORIZATIONS.

Section 313(b) of the Federal Power Act (16 U.S.C. 825l(b)) is amended—

(1) by striking ''(b) Any party'' and inserting the following:

''(b) JUDICIAL REVIEW.—

''(1) IN GENERAL.—Any party''; and

(2) by adding at the end the following:

''(2) DELAY OF A FEDERAL AUTHORIZATION.—Any Federal, State, or local government agency or Indian tribe that will not complete its disposition of a Federal authorization by the deadline set forth in the schedule by the Commission under section 34 may file for an extension in the United States court of appeals for any circuit wherein the project or proposed project is located, or in the United States Court of Appeals for the District of Columbia. Such petition shall be filed not later than 30 days prior to such deadline. The court shall only grant an extension if the agency or tribe demonstrates, based on the record maintained under section 34, that it otherwise complied with the requirements of section 34 and that complying with the schedule set by the Commission would have prevented the agency or tribe from complying with applicable Federal or State law. If the court grants the extension, the court shall set a reasonable schedule and deadline, not to exceed 90 days, for the agency to act on remand. If the court denies the extension, or if an agency or tribe does not file for an extension as provided in this subsection and does not complete its disposition of a Federal authorization by the applicable deadline, the Commission and applicant may move forward with the proposed action.''.

SEC. 1306. LICENSING STUDY IMPROVEMENTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended by section 1304, is further amended by adding at the end the following:

''SEC. 35. LICENSING STUDY IMPROVEMENTS.

''(a) IN GENERAL.—To facilitate the timely and efficient completion of the license proceedings under this part, the Commission shall, in consultation with applicable Federal and State agencies and interested members of the public—

''(1) compile current and accepted best practices in performing studies required in such license proceedings, including methodologies and the design of studies to assess the full range of environmental impacts of a project that reflect the most recent peer-reviewed science;

''(2) compile a comprehensive collection of studies and data accessible to the public that could be used to inform license proceedings under this part; and

''(3) encourage license applicants, agencies, and Indian tribes to develop and use, for the purpose of fostering timely and efficient consideration of license applications, a limited number of open-source methodologies and tools applicable across a wide array of projects, including water balance models and streamflow analyses.

''(b) USE OF STUDIES.—To the extent practicable, the Commission and other Federal, State, and local government agencies and Indian tribes considering an aspect of an application for Federal authorization shall use current, accepted science toward studies and data in support of their actions. Any participant in a proceeding with respect to a Federal authorization shall demonstrate a study requested by the party is not duplicative of current, existing studies that are applicable to the project.

''(c) BASIN-WIDE OR REGIONAL REVIEW.—The Commission shall establish a program to develop comprehensive plans, at the request of project applicants, on a regional or basin-wide scale, in consultation with the applicants, appropriate Federal agencies, and affected States, local governments, and Indian tribes, in basins or regions with respect to which there are more than one project or application for a project. Upon such a request, the Commission, in consultation with the applicants, such Federal agencies, and affected States, local governments, and Indian tribes, may conduct or commission regional or basin-wide environmental studies, with the participation of at least 2 applicants. Any study conducted under this subsection shall apply only to a project with respect to which the applicant participates.''.

SEC. 1307. CLOSED-LOOP PUMPED STORAGE PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended by section 1306, is further amended by adding at the end the following:

''SEC. 36. CLOSED-LOOP PUMPED STORAGE PROJECTS.

''(a) DEFINITION.—For purposes of this section, a closed-loop pumped storage project is a project—

''(1) in which the upper and lower reservoirs do not impound or directly withdraw water from navigable waters; or

''(2) that is not continuously connected to a naturally flowing water feature.

''(b) IN GENERAL.—As provided in this section, the Commission may issue and amend licenses and preliminary permits, as appropriate, for closed-loop pumped storage projects.

''(c) DAM SAFETY.—Before issuing any license for a closed-loop pumped storage project, the Commission shall assess the safety of existing dams and other structures related to the project (including possible consequences associated with failure of such structures).

''(d) LICENSE CONDITIONS.—With respect to a closed-loop pumped storage project, the authority of the Commission to impose conditions on a license under sections 4(e), 10(a), 10(g), and 10(j) shall not apply, and any condition included in or applicable to a closed-loop pumped storage project licensed under this section, including any condition or other requirement of a Federal authorization, shall be limited to those that are—

''(1) necessary to protect public safety; or

''(2) reasonable, economically feasible, and essential to prevent loss of or damage to, or to mitigate adverse effects on, fish and wildlife resources directly caused by the construction and operation of the project, as compared to the environmental baseline existing at the time the Commission completes its environmental review.

''(e) TRANSFERS.—Notwithstanding section 5, and regardless of whether the holder of a preliminary permit for a closed-loop pumped storage project claimed municipal preference under section 7(a) when obtaining the permit, the Commission may, to facilitate development of a closed-loop pumped storage project—

''(1) add entities as joint permittees following issuance of a preliminary permit; and

''(2) transfer a license in part to one or more nonmunicipal entities as co-licensees with a municipality.''.

SEC. 1308. LICENSE AMENDMENT IMPROVEMENTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended by section 1307, is further amended by adding at the end the following:

''SEC. 37. LICENSE AMENDMENT IMPROVEMENTS.

''(a) QUALIFYING PROJECT UPGRADES.—

''(1) IN GENERAL.—As provided in this section, the Commission may approve an application for an amendment to a license issued under this part for a qualifying project upgrade.

''(2) APPLICATION.—A licensee filing an application for an amendment to a project license under this section shall include in such application information sufficient to demonstrate that the proposed change to the project described in the application is a qualifying project upgrade.

''(3) INITIAL DETERMINATION.—Not later than 15 days after receipt of an application under paragraph (2), the Commission shall make an initial determination as to whether the proposed change to the project described in the application for a license amendment is a qualifying project upgrade. The Commission shall publish its initial determination and issue notice of the application filed under paragraph (2). Such notice shall solicit public comment on the initial determination within 45 days.

''(4) PUBLIC COMMENT ON QUALIFYING CRITERIA.—The Commission shall accept public comment regarding whether a proposed license amendment is for a qualifying project upgrade for a period of 45 days beginning on the date of publication of a public notice described in paragraph (3), and shall—

''(A) if no entity contests whether the proposed license amendment is for a qualifying project upgrade during such comment period, immediately publish a notice stating that the initial determination has not been contested; or

''(B) if an entity contests whether the proposed license amendment is for a qualifying project upgrade during the comment period, issue a written determination in accordance with paragraph (5).

''(5) WRITTEN DETERMINATION.—If an entity contests whether the proposed license amendment is for a qualifying project upgrade during the comment period under paragraph (4), the Commission shall, not later than 30 days after the date of publication of the public notice of the initial determination under paragraph (3), issue a written determination as to whether the proposed license amendment is for a qualifying project upgrade.

''(6) PUBLIC COMMENT ON AMENDMENT APPLICATION.—If no entity contests whether the proposed license amendment is for a qualifying project upgrade during the comment period under paragraph (4) or the Commission issues a written determination under paragraph (5) that a proposed license amendment is a qualifying project upgrade, the Commission shall—

''(A) during the 60-day period beginning on the date of publication of a notice under paragraph (4)(A) or the date on which the Commission issues the written determination under paragraph (5), as applicable, solicit comments from each Federal, State, and local government agency and Indian tribe considering an aspect of an application for Federal authorization (as defined in section 34) with respect to the proposed license amendment, as well as other interested agencies, Indian tribes, and members of the public; and

''(B) during the 90-day period beginning on the date of publication of a notice under paragraph (4)(A) or the date on which the Commission issues the written determination under paragraph (5), as applicable, consult with—

''(i) appropriate Federal agencies and the State agency exercising administrative control over the fish and wildlife resources, and water quality and supply, of the State in which the qualifying project upgrade is located;

''(ii) any Federal department supervising any public lands or reservations occupied by the qualifying project upgrade; and

''(iii) any Indian tribe affected by the qualifying project upgrade.

''(7) FEDERAL AUTHORIZATIONS.—The schedule established by the Commission under section 34 for any project upgrade under this subsection shall require final disposition on all necessary Federal authorizations (as defined in section 34), other than final action by the Commission, by not later than 120 days after the date on which the Commission issues a notice under paragraph (4)(A) or a written determination under paragraph (5), as applicable.

''(8) COMMISSION ACTION.—Not later than 150 days after the date on which the Commission issues a notice under paragraph (4)(A) or a written determination under paragraph (5), as applicable, the Commission shall take final action on the license amendment application.

''(9) LICENSE AMENDMENT CONDITIONS.—Any condition included in or applicable to a license amendment approved under this subsection, including any condition or other requirement of a Federal authorization, shall be limited to those that are—

''(A) necessary to protect public safety; or

''(B) reasonable, economically feasible, and essential to prevent loss of or damage to, or to mitigate adverse effects on, fish and wildlife resources, water supply, and water quality that are directly caused by the construction and operation of the qualifying project upgrade, as compared to the environmental baseline existing at the time the Commission approves the application for the license amendment.

''(10) PROPOSED LICENSE AMENDMENTS THAT ARE NOT QUALIFYING PROJECT UPGRADES.—If the Commission determines under paragraph (3) or (5) that a proposed license amendment is not for a qualifying project upgrade, the procedures under paragraphs (6) through (9) shall not apply to the application.

''(11) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall, after notice and opportunity for public comment, issue a rule to implement this subsection.

''(12) DEFINITIONS.—For purposes of this subsection:

''(A) QUALIFYING PROJECT UPGRADE.—The term 'qualifying project upgrade' means a change to a project licensed under this part that meets the qualifying criteria, as determined by the Commission.

''(B) QUALIFYING CRITERIA.—The term 'qualifying criteria' means, with respect to a project license under this part, a change to the project that—

''(i) if carried out, would be unlikely to adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973 or result in the destruction or adverse modification of critical habitat, as determined in consultation with the Secretary of the Interior or Secretary of Commerce, as appropriate, in accordance with section 7 of the Endangered Species Act of 1973;

''(ii) is consistent with any applicable comprehensive plan under section 10(a)(2);

''(iii) includes only changes to project lands, waters, or operations that, in the judgment of the Commission, would result in only insignificant or minimal cumulative adverse environmental effects;

''(iv) would be unlikely to adversely affect water quality and water supply; and

''(v) proposes to implement—

''(I) capacity increases, efficiency improvements, or other enhancements to hydropower generation at the licensed project;

''(II) environmental protection, mitigation, or enhancement measures to benefit fish and wildlife resources or other natural and cultural resources; or

''(III) improvements to public recreation at the licensed project.

''(b) AMENDMENT APPROVAL PROCESSES.—

''(1) RULE.—Not later than 1 year after the date of enactment of this section, the Commission shall, after notice and opportunity for public comment, issue a rule establishing new standards and procedures for license amendment applications under this part. In issuing such rule, the Commission shall seek to develop the most efficient and expedient process, consultation, and review requirements, commensurate with the scope of different categories of proposed license amendments. Such rule shall account for differences in environmental effects across a wide range of categories of license amendment applications.

''(2) CAPACITY.—In issuing a rule under this subsection, the Commission shall take into consideration that a change in generating or hydraulic capacity may indicate the potential environmental effects of a proposed amendment but is not determinative of such effects.

''(3) PROCESS OPTIONS.—In issuing a rule under this subsection, the Commission shall take into consideration the range of process options available under the Commission's regulations for new and original license applications and adapt such options to amendment applications, where appropriate.''.

SEC. 1309. PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended by section 1308, is further amended by adding at the end the following:

''SEC. 38. PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS.

''(a) EXEMPTIONS FOR QUALIFYING FACILITIES.—

''(1) EXEMPTION QUALIFICATIONS.—Subject to the requirements of this subsection, the Commission may grant an exemption in whole or in part from the requirements of this part, including any license requirements contained in this part, to any facility the Commission determines is a qualifying facility.

''(2) CONSULTATION WITH FEDERAL AND STATE AGENCIES.—In granting any exemption under this subsection, the Commission shall consult with—

''(A) the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the State agency exercising administrative control over the fish and wildlife resources of the State in which the facility will be located, in the manner provided by the Fish and Wildlife Coordination Act;

''(B) any Federal department supervising any public lands or reservations occupied by the project; and

''(C) any Indian tribe affected by the project.

''(3) EXEMPTION CONDITIONS.—

''(A) IN GENERAL.—The Commission shall include in any exemption granted under this subsection only such terms and conditions that the Commission determines are—

''(i) necessary to protect public safety; or

''(ii) reasonable, economically feasible, and essential to prevent loss of or damage to, or to mitigate adverse effects on, fish and wildlife resources directly caused by the construction and operation of the qualifying facility, as compared to the environmental baseline existing at the time the Commission grants the exemption.

''(B) NO CHANGES TO RELEASE REGIME.—No Federal authorization required with respect to a qualifying facility described in paragraph (1), including an exemption granted by the Commission under this subsection, may include any condition or other requirement that results in any material change to the storage, control, withdrawal, diversion, release, or flow operations of the associated qualifying nonpowered dam.

''(4) ENVIRONMENTAL REVIEW.—The Commission's environmental review under the National

Environmental Policy Act of 1969 of a proposed exemption under this subsection shall consist only of an environmental assessment, unless the Commission determines, by rule or order, that the Commission's obligations under such Act for granting exemptions under this subsection can be met through a categorical exclusion.

''(5) VIOLATION OF TERMS OF EXEMPTION.—Any violation of a term or condition of any exemption granted under this subsection shall be treated as a violation of a rule or order of the Commission under this Act.

''(6) ANNUAL CHARGES FOR ENHANCEMENT ACTIVITIES.—Exemptees under this subsection for any facility located at a non-Federal dam shall pay to the United States reasonable annual charges in an amount to be fixed by the Commission for the purpose of funding environmental enhancement projects in watersheds in which facilities exempted under this subsection are located. Such annual charges shall be equivalent to the annual charges for use of a Government dam under section 10(e), unless the Commission determines, by rule, that a lower charge is appropriate to protect exemptees' investment in the project or avoid increasing the price to consumers of power due to such charges. The proceeds of charges made by the Commission under this paragraph shall be paid into the Treasury of the United States and credited to miscellaneous receipts. Subject to annual appropriation Acts, such proceeds shall be available to Federal and State fish and wildlife agencies for purposes of carrying out specific environmental enhancement projects in watersheds in which one or more facilities exempted under this subsection are located. Not later than 180 days after the date of enactment of this section, the Commission shall establish rules, after notice and opportunity for public comment, for the collection and administration of annual charges under this paragraph.

''(7) EFFECT OF JURISDICTION.—The jurisdiction of the Commission over any qualifying facility exempted under this subsection shall extend only to the qualifying facility exempted and any associated primary transmission line, and shall not extend to any conduit, dam, impoundment, shoreline or other land, or any other project work associated with the qualifying facility exempted under this subsection.

''(b) DEFINITIONS.—For purposes of this section—

''(1) FEDERAL AUTHORIZATION.—The term 'Federal authorization' has the same meaning as provided in section 34.

''(2) QUALIFYING CRITERIA.—The term 'qualifying criteria' means, with respect to a facility—

''(A) as of the date of enactment of this section, the facility is not licensed under, or exempted from the license requirements contained in, this part;

''(B) the facility will be associated with a qualifying nonpowered dam;

''(C) the facility will be constructed, operated, and maintained for the generation of electric power;

''(D) the facility will use for such generation any withdrawals, diversions, releases, or flows from the associated qualifying nonpowered dam, including its associated impoundment or other infrastructure; and

''(E) the operation of the facility will not result in any material change to the storage, control, withdrawal, diversion, release, or flow operations of the associated qualifying nonpowered dam.

''(3) QUALIFYING FACILITY.—The term 'qualifying facility' means a facility that is determined under this section to meet the qualifying criteria.

''(4) QUALIFYING NONPOWERED DAM.—The term 'qualifying nonpowered dam' means any dam, dike, embankment, or other barrier—

''(A) the construction of which was completed on or before the date of enactment of this section;

''(B) that is operated for the control, release, or distribution of water for agricultural, municipal, navigational, industrial, commercial, environmental, recreational, aesthetic, or flood control purposes;

''(C) that, as of the date of enactment of this section, is not equipped with hydropower generating works that are licensed under, or exempted from the license requirements contained in, this part; and

''(D) that, in the case of a non-Federal dam, has been certified by an independent consultant approved by the Commission as complying with the Commission's dam safety requirements.''.

TITLE II—21ST CENTURY WORKFORCE

SEC. 2001. ENERGY AND MANUFACTURING WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy (in this section referred to as the ''Secretary'') shall establish and carry out a comprehensive program to improve education and training for energy and manufacturing-related jobs in order to increase the number of skilled workers trained to work in energy and manufacturing-related fields, including by—

(1) encouraging underrepresented groups, including religious and ethnic minorities, women, veterans, individuals with disabilities, and socioeconomically disadvantaged individuals to enter into the science, technology, engineering, and mathematics (in this section referred to as ''STEM'') fields;

(2) encouraging the Nation's education system to equip students with the skills, mentorships, training, and technical expertise necessary to fill the employment opportunities vital to managing and operating the Nation's energy and manufacturing industries;

(3) providing students and other candidates for employment with the necessary skills and certifications for skilled, semiskilled, and highly skilled energy and manufacturing-related jobs; and

(4) strengthening and more fully engaging Department of Energy programs and labs in carrying out the Department's Minorities in Energy Initiative.

(b) PRIORITY.—The Secretary shall make educating and training underrepresented groups for energy and manufacturing-related jobs a national priority under the program established under subsection (a).

(c) DIRECT ASSISTANCE.—In carrying out the program established under subsection (a), the Secretary shall provide direct assistance (including financial assistance awards, technical expertise, wraparound services, career coaching, mentorships, internships, and partnerships) to schools, community colleges, workforce development organizations, nonprofit organizations, labor organizations, apprenticeship programs, and minority serving institutions. The Secretary shall distribute direct assistance in a manner proportional to energy and manufacturing industry needs and demand for jobs, consistent with information obtained under subsections (e)(3) and (i).

(d) CLEARINGHOUSE.—In carrying out the program established under subsection (a), the Secretary shall establish a clearinghouse to—

(1) maintain and update information and resources on training and workforce development programs for energy and manufacturing-related jobs, including job training and workforce development programs available to assist displaced and unemployed energy and manufacturing workers transitioning to new employment; and

(2) act as a resource, and provide guidance, for schools, community colleges, universities (including minority serving institutions), workforce development programs, labor-management organizations, and industry organizations that would like to develop and implement energy and manufacturing-related training programs.

(e) COLLABORATION.—In carrying out the program established under subsection (a), the Secretary—

(1) shall collaborate with schools, community colleges, universities (including minority serving institutions), workforce-training organizations, national laboratories, unions, State energy offices, workforce investment boards, and the energy and manufacturing industries;

(2) shall encourage and foster collaboration, mentorships, and partnerships among organizations (including unions, industry, schools, community colleges, workforce-development organizations, and colleges and universities) that currently provide effective job training programs in the energy and manufacturing fields and institutions (including schools, community colleges, workforce development programs, and colleges and universities) that seek to establish these types of programs in order to share best practices and approaches that best suit local, State, and national needs; and

(3) shall collaborate with the Bureau of Labor Statistics, the Department of Commerce, the Bureau of the Census, and the energy and manufacturing industries to develop a comprehensive and detailed understanding of the energy and manufacturing workforce needs and opportunities by State and by region, and publish an annual report on energy and manufacturing job creation by the sectors enumerated in subsection (i).

(f) GUIDELINES FOR EDUCATIONAL INSTITUTIONS.—

(1) IN GENERAL.—In carrying out the program established under subsection (a), the Secretary, in collaboration with the Secretary of Education, the Secretary of Commerce, the Secretary of Labor, the National Science Foundation, and industry shall develop voluntary guidelines and best practices for educational institutions of all levels, including for elementary and secondary schools and community colleges and for undergraduate, graduate, and postgraduate university programs, to help provide graduates with the skills necessary to work in energy and manufacturing-related jobs.

(2) INPUT.—The Secretary shall solicit input from the oil, gas, coal, renewable, nuclear, utility, energy-intensive and advanced manufacturing, and pipeline industries in developing guidelines under paragraph (1).

(3) ENERGY AND MANUFACTURING EFFICIENCY AND CONSERVATION INITIATIVES.—The guidelines developed under paragraph (1) shall include grade-specific guidelines for teaching energy and manufacturing efficiency and conservation initiatives to educate students and families.

(4) STEM EDUCATION.—The guidelines developed under paragraph (1) shall promote STEM education as it relates to job opportunities in energy and manufacturing-related fields of study in schools, community colleges, and universities nationally.

(g) OUTREACH TO MINORITY SERVING INSTITUTIONS.—In carrying out the program established under subsection (a), the Secretary shall—

(1) give special consideration to increasing outreach to minority serving institutions (including historically black colleges and universities, predominantly black institutions, Hispanic serving institutions, and tribal institutions);

(2) make resources available to minority serving institutions with the objective of increasing the number of skilled minorities and women trained to go into the energy and manufacturing sectors;

(3) encourage industry to improve the opportunities for students of minority serving institutions to participate in industry internships and cooperative work/study programs; and

(4) partner with the Department of Energy laboratories to increase underrepresented groups' participation in internships, fellowships, traineeships, and employment at all Department of Energy laboratories.

(h) OUTREACH TO DISPLACED AND UNEMPLOYED ENERGY AND MANUFACTURING WORKERS.—In carrying out the program established under subsection (a), the Secretary shall—

(1) give special consideration to increasing outreach to employers and job trainers preparing displaced and unemployed energy and

manufacturing workers for emerging energy and manufacturing jobs;

(2) make resources available to institutions serving displaced and unemployed energy and manufacturing workers with the objective of training individuals to re-enter the energy and manufacturing workforce;

(3) encourage the energy and manufacturing industries to improve opportunities for displaced and unemployed energy and manufacturing workers to participate in internships and cooperative work/study programs; and

(4) work closely with the energy and manufacturing industries to identify energy and manufacturing operations, such as coal-fired power plants and coal mines, scheduled for closure and to provide early intervention assistance to workers employed at such energy and manufacturing operations by—

(A) giving special consideration to employers and job trainers preparing such workers for emerging energy and manufacturing jobs;

(B) making resources available to institutions serving such workers with the objective of training them to re-enter the energy and manufacturing workforce; and

(C) encouraging the energy and manufacturing industries to improve opportunities for such workers to participate in internships and cooperative work-study programs.

(i) GUIDELINES TO DEVELOP SKILLS FOR AN ENERGY AND MANUFACTURING INDUSTRY WORKFORCE.—In carrying out the program established under subsection (a), the Secretary shall collaborate with representatives from the energy and manufacturing industries (including the oil, gas, coal, nuclear, utility, pipeline, renewable, petrochemical, manufacturing, and electrical construction sectors) to identify the areas of highest need in each sector and to develop guidelines for the skills necessary to develop a workforce trained to go into the following sectors of the energy and manufacturing sectors:

(1) Energy efficiency industry, including work in energy efficiency, conservation, weatherization, or retrofitting, or as inspectors or auditors.

(2) Pipeline industry, including work in pipeline construction and maintenance or work as engineers or technical advisors.

(3) Utility industry, including work in the generation, transmission, and distribution of electricity and natural gas, such as utility technicians, operators, lineworkers, engineers, scientists, and information technology specialists.

(4) Alternative fuels, including work in biofuel development and production.

(5) Nuclear industry, including work as scientists, engineers, technicians, mathematicians, or security personnel.

(6) Oil and gas industry, including work as scientists, engineers, technicians, mathematicians, petrochemical engineers, or geologists.

(7) Renewable industry, including work in the development, manufacturing, and production of renewable energy sources (such as solar, hydropower, wind, or geothermal energy).

(8) Coal industry, including work as coal miners, engineers, developers and manufacturers of state-of-the-art coal facilities, technology vendors, coal transportation workers and operators, or mining equipment vendors.

(9) Manufacturing industry, including work as operations technicians, operations and design in additive manufacturing, 3–D printing, advanced composites, and advanced aluminum and other metal alloys, industrial energy efficiency management systems, including power electronics, and other innovative technologies.

(10) Chemical manufacturing industry, including work in construction (such as welders, pipefitters, and tool and die makers) or as instrument and electrical technicians, machinists, chemical process operators, chemical engineers, quality and safety professionals, and reliability engineers.

(j) ENROLLMENT IN TRAINING AND APPRENTICESHIP PROGRAMS.—In carrying out the program established under subsection (a), the Secretary shall work with industry, organized labor, and community-based workforce organizations to help identify students and other candidates, including from underrepresented communities such as minorities, women, and veterans, to enroll into training and apprenticeship programs for energy and manufacturing-related jobs.

TITLE III—ENERGY SECURITY AND DIPLOMACY

SEC. 3001. SENSE OF CONGRESS.

Congress finds the following:

(1) North America's energy revolution has significantly enhanced energy security in the United States, and fundamentally changed the Nation's energy future from that of scarcity to abundance.

(2) North America's energy abundance has increased global energy supplies and reduced the price of energy for consumers in the United States and abroad.

(3) Allies and trading partners of the United States, including in Europe and Asia, are seeking stable and affordable energy supplies from North America to enhance their energy security.

(4) The United States has an opportunity to improve its energy security and promote greater stability and affordability of energy supplies for its allies and trading partners through a more integrated, secure, and competitive North American energy system.

(5) The United States also has an opportunity to promote such objectives by supporting the free flow of energy commodities and more open, transparent, and competitive global energy markets, and through greater Federal agency coordination relating to regulations or agency actions that significantly affect the supply, distribution, or use of energy.

SEC. 3002. ENERGY SECURITY VALUATION.

(a) ESTABLISHMENT OF ENERGY SECURITY VALUATION METHODS.—Not later than one year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of State, shall develop and transmit, after public notice and comment, to the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Foreign Relations of the Senate a report that develops recommended United States energy security valuation methods. In developing the report, the Secretaries may consider the recommendations of the Administration's Quadrennial Energy Review released on April 21, 2015. The report shall—

(1) evaluate and define United States energy security to reflect modern domestic and global energy markets and the collective needs of the United States and its allies and partners;

(2) identify transparent and uniform or coordinated procedures and criteria to ensure that energy-related actions that significantly affect the supply, distribution, or use of energy are evaluated with respect to their potential impact on energy security, including their impact on—

(A) consumers and the economy;

(B) energy supply diversity and resiliency;

(C) well-functioning and competitive energy markets;

(D) United States trade balance; and

(E) national security objectives; and

(3) include a recommended implementation strategy that identifies and aims to ensure that the procedures and criteria referred to in paragraph (2) are—

(A) evaluated consistently across the Federal Government; and

(B) weighed appropriately and balanced with environmental considerations required by Federal law.

(b) PARTICIPATION.—In developing the report referred to in subsection (a), the Secretaries may consult with relevant Federal, State, private sector, and international participants, as appropriate and consistent with applicable law.

SEC. 3003. NORTH AMERICAN ENERGY SECURITY PLAN.

(a) REQUIREMENT.—Not later than one year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of State, shall develop and transmit to the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Foreign Relations of the Senate the plan described in subsection (b).

(b) PURPOSE.—The plan referred to in subsection (a) shall include—

(1) a recommended framework and implementation strategy to—

(A) improve planning and coordination with Canada and Mexico to enhance energy integration, strengthen North American energy security, and promote efficiencies in the exploration, production, storage, supply, distribution, marketing, pricing, and regulation of North American energy resources; and

(B) address—

(i) North American energy public data, statistics, and mapping collaboration;

(ii) responsible and sustainable best practices for the development of unconventional oil and natural gas; and

(iii) modern, resilient energy infrastructure for North America, including physical infrastructure as well as institutional infrastructure such as policies, regulations, and practices relating to energy development; and

(2) a recommended framework and implementation strategy to improve collaboration with Caribbean and Central American partners on energy security, including actions to support—

(A) more open, transparent, and competitive energy markets;

(B) regulatory capacity building;

(C) improvements to energy transmission and storage; and

(D) improvements to the performance of energy infrastructure and efficiency.

(c) PARTICIPATION.—In developing the plan referred to in subsection (a), the Secretaries may consult with other Federal, State, private sector, and international participants, as appropriate and consistent with applicable law.

SEC. 3004. COLLECTIVE ENERGY SECURITY.

(a) IN GENERAL.—The Secretary of Energy and the Secretary of State shall collaborate to strengthen domestic energy security and the energy security of the allies and trading partners of the United States, including through actions that support or facilitate—

(1) energy diplomacy;

(2) the delivery of United States assistance, including energy resources and technologies, to prevent or mitigate an energy security crisis;

(3) the development of environmentally and commercially sustainable energy resources;

(4) open, transparent, and competitive energy markets; and

(5) regulatory capacity building.

(b) ENERGY SECURITY FORUMS.—Not later than one year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of State, shall convene not less than 2 forums to promote the collective energy security of the United States and its allies and trading partners. The forums shall include participation by the Secretary of Energy and the Secretary of State. In addition, an invitation shall be extended to—

(1) appropriate representatives of foreign governments that are allies or trading partners of the United States; and

(2) independent experts and industry representatives.

(c) REQUIREMENTS.—The forums shall—

(1) consist of at least one Trans-Atlantic and one Trans-Pacific energy security forum;

(2) be designed to foster dialogue among government officials, independent experts, and industry representatives regarding—

(A) the current state of global energy markets;

(B) trade and investment issues relevant to energy; and

(C) barriers to more open, competitive, and transparent energy markets; and

(3) be recorded and made publicly available on the Department of Energy's website, including, not later than 30 days after each forum, publication on the website any significant outcomes.

(d) NOTIFICATION.—At least 30 days before each of the forums referred to in subsection (b), the Secretary of Energy shall send a notification regarding the forum to—

(1) the chair and the ranking minority member of the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives; and

(2) the chair and ranking minority member of the Committee on Energy and Natural Resources and the Committee on Foreign Relations of the Senate.

SEC. 3005. STRATEGIC PETROLEUM RESERVE MISSION READINESS PLAN.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall conduct a long-range strategic review of the Strategic Petroleum Reserve and develop and transmit to Congress a plan that includes an analysis and implementation schedule that—

(1) specifies near-term and long-term roles of the Strategic Petroleum Reserve relative to United States energy security and economic goals and objectives;

(2) describes existing legal authorities governing the policies, configuration, and capabilities of the Strategic Petroleum Reserve;

(3) identifies Strategic Petroleum Reserve configuration and performance capabilities and recommends an action plan to achieve the optimal—

(A) capacity, location, and composition of petroleum products in the Reserve; and

(B) storage and distributional capabilities; and

(4) estimates the resources required to attain and maintain the Strategic Petroleum Reserve's long-term sustainability and operational effectiveness.

SEC. 3006. AUTHORIZATION TO EXPORT NATURAL GAS.

(a) DECISION DEADLINE.—For proposals that must also obtain authorization from the Federal Energy Regulatory Commission or the United States Maritime Administration to site, construct, expand, or operate LNG export facilities, the Department of Energy shall issue a final decision on any application for the authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) not later than 30 days after the later of—

(1) the conclusion of the review to site, construct, expand, or operate the LNG facilities required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) the date of enactment of this Act.

(b) CONCLUSION OF REVIEW.—For purposes of subsection (a), review required by the National Environmental Policy Act of 1969 shall be considered concluded—

(1) for a project requiring an Environmental Impact Statement, 30 days after publication of a Final Environmental Impact Statement;

(2) for a project for which an Environmental Assessment has been prepared, 30 days after publication by the Department of Energy of a Finding of No Significant Impact; and

(3) upon a determination by the lead agency that an application is eligible for a categorical exclusion pursuant to National Environmental Policy Act of 1969 implementing regulations.

(c) PUBLIC DISCLOSURE OF EXPORT DESTINATIONS.—Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

''(g) PUBLIC DISCLOSURE OF LNG EXPORT DESTINATIONS.—As a condition for approval of any authorization to export LNG, the Secretary of Energy shall require the applicant to publicly disclose the specific destination or destinations of any such authorized LNG exports.''.

TITLE IV—ENERGY EFFICIENCY AND ACCOUNTABILITY

Subtitle A—Energy Efficiency

CHAPTER 1—FEDERAL AGENCY ENERGY EFFICIENCY

SEC. 4111. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.

(a) AMENDMENT.—Subtitle C of title V of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1661) is amended by adding at the end the following:

''SEC. 530. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(2) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given that term in section 11101 of title 40, United States Code.

''(b) DEVELOPMENT OF IMPLEMENTATION STRATEGY.—Not later than 1 year after the date of enactment of this section, each Federal agency shall coordinate with the Director, the Secretary, and the Administrator of the Environmental Protection Agency to develop an implementation strategy (that includes best practices and measurement and verification techniques) for the maintenance, purchase, and use by the Federal agency of energy-efficient and energy-saving information technologies, taking into consideration the performance goals established under subsection (d).

''(c) ADMINISTRATION.—In developing an implementation strategy under subsection (b), each Federal agency shall consider—

''(1) advanced metering infrastructure;

''(2) energy-efficient data center strategies and methods of increasing asset and infrastructure utilization;

''(3) advanced power management tools;

''(4) building information modeling, including building energy management;

''(5) secure telework and travel substitution tools; and

''(6) mechanisms to ensure that the agency realizes the energy cost savings brought about through increased efficiency and utilization.

''(d) PERFORMANCE GOALS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Director, in consultation with the Secretary, shall establish performance goals for evaluating the efforts of Federal agencies in improving the maintenance, purchase, and use of energy-efficient and energy-saving information technology.

''(2) BEST PRACTICES.—The Chief Information Officers Council established under section 3603 of title 44, United States Code, shall recommend best practices for the attainment of the performance goals, which shall include Federal agency consideration of, to the extent applicable by law, the use of—

''(A) energy savings performance contracting; and

''(B) utility energy services contracting.

''(e) REPORTS.—

''(1) AGENCY REPORTS.—Each Federal agency shall include in the report of the agency under section 527 a description of the efforts and results of the agency under this section.

''(2) OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.—Effective beginning not later than October 1, 2017, the Director shall include in the annual report and scorecard of the Director required under section 528 a description of the efforts and results of Federal agencies under this section.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Independence and Security Act of 2007 is amended by adding after the item relating to section 529 the following:

''Sec. 530. Energy-efficient and energy-saving information technologies.''.

SEC. 4112. ENERGY EFFICIENT DATA CENTERS.

Section 453 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17112) is amended—

(1) in subsection (b)(2)(D)(iv), by striking ''determined by the organization'' and inserting ''proposed by the stakeholders'';

(2) by striking subsection (b)(3); and

(3) by striking subsections (c) through (g) and inserting the following:

''(c) STAKEHOLDER INVOLVEMENT.—The Secretary and the Administrator shall carry out subsection (b) in collaboration with the information technology industry and other key stakeholders, with the goal of producing results that accurately reflect the most relevant and useful information available. In such collaboration, the Secretary and the Administrator shall pay particular attention to organizations that—

''(1) have members with expertise in energy efficiency and in the development, operation, and functionality of data centers, information technology equipment, and software, such as representatives of hardware manufacturers, data center operators, and facility managers;

''(2) obtain and address input from Department of Energy National Laboratories or any college, university, research institution, industry association, company, or public interest group with applicable expertise;

''(3) follow—

''(A) commonly accepted procedures for the development of specifications; and

''(B) accredited standards development processes; and

''(4) have a mission to promote energy efficiency for data centers and information technology.

''(d) MEASUREMENTS AND SPECIFICATIONS.—The Secretary and the Administrator shall consider and assess the adequacy of the specifications, measurements, best practices, and benchmarks described in subsection (b) for use by the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy or the Environmental Protection Agency.

''(e) STUDY.—The Secretary, in collaboration with the Administrator, shall, not later than 18 months after the date of enactment of the North American Energy Security and Infrastructure Act of 2015, make available to the public an update to the Report to Congress on Server and Data Center Energy Efficiency published on August 2, 2007, under section 1 of Public Law 109–431 (120 Stat. 2920), that provides—

''(1) a comparison and gap analysis of the estimates and projections contained in the original report with new data regarding the period from 2008 through 2015;

''(2) an analysis considering the impact of information technologies, including virtualization and cloud computing, in the public and private sectors;

''(3) an evaluation of the impact of the combination of cloud platforms, mobile devices, social media, and big data on data center energy usage;

''(4) an evaluation of water usage in data centers and recommendations for reductions in such water usage; and

''(5) updated projections and recommendations for best practices through fiscal year 2020.

''(f) DATA CENTER ENERGY PRACTITIONER PROGRAM.—The Secretary, in collaboration with key stakeholders and the Director of the Office of Management and Budget, shall maintain a data center energy practitioner program that leads to the certification of energy practitioners qualified to evaluate the energy usage and efficiency opportunities in Federal data centers. Each Federal agency shall consider having the data centers of the agency evaluated every 4 years, in accordance with section 543(f) of the National Energy Conservation Policy Act (42 U.S.C. 8253), by energy practitioners certified pursuant to such program.

''(g) OPEN DATA INITIATIVE.—The Secretary, in collaboration with key stakeholders and the

Director of the Office of Management and Budget, shall establish an open data initiative for Federal data center energy usage data, with the purpose of making such data available and accessible in a manner that encourages further data center innovation, optimization, and consolidation. In establishing the initiative, the Secretary shall consider the use of the online Data Center Maturity Model.

''(h) INTERNATIONAL SPECIFICATIONS AND METRICS.—The Secretary, in collaboration with key stakeholders, shall actively participate in efforts to harmonize global specifications and metrics for data center energy and water efficiency.

''(i) DATA CENTER UTILIZATION METRIC.—The Secretary, in collaboration with key stakeholders, shall facilitate the development of an efficiency metric that measures the energy efficiency of a data center (including equipment and facilities).

''(j) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary and the Administrator shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this section or the programs and initiatives established under this section.''.

SEC. 4113. REPORT ON ENERGY AND WATER SAVINGS POTENTIAL FROM THERMAL INSULATION.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with appropriate Federal agencies and relevant stakeholders, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of thermal insulation on both energy and water use systems for potable hot and chilled water in Federal buildings, and the return on investment of installing such insulation.

(b) CONTENTS.—The report shall include—

(1) an analysis based on the cost of municipal or regional water for delivered water and the avoided cost of new water; and

(2) a summary of energy and water savings, including short-term and long-term (20 years) projections of such savings.

SEC. 4114. FEDERAL PURCHASE REQUIREMENT.

(a) DEFINITIONS.—Section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)) is amended by striking paragraph (2) and inserting the following:

''(2) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy, or thermal energy if resulting from a thermal energy project placed in service after December 31, 2014, generated from, or avoided by, solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste (in accordance with subsection (e)), qualified waste heat resource, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.

''(3) QUALIFIED WASTE HEAT RESOURCE.—The term 'qualified waste heat resource' means—

''(A) exhaust heat or flared gas from any industrial process;

''(B) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

''(C) a pressure drop in any gas for an industrial or commercial process; or

''(D) such other forms of waste heat as the Secretary determines appropriate.''.

(b) PAPER RECYCLING.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by adding at the end the following:

''(e) PAPER RECYCLING.—

''(1) SEPARATE COLLECTION.—For purposes of this section, any Federal agency may consider electric energy generation purchased from a facility to be renewable energy if the municipal solid waste used by the facility to generate the electricity is—

''(A) separately collected (within the meaning of section 246.101(z) of title 40, Code of Federal Regulations, as in effect on the date of enactment of the North American Energy Security and Infrastructure Act of 2015) from paper that is commonly recycled; and

''(B) processed in a way that keeps paper that is commonly recycled segregated from non-recyclable solid waste.

''(2) INCIDENTAL INCLUSION.—Municipal solid waste used to generate electric energy that meets the conditions described in paragraph (1) shall be considered renewable energy even if the municipal solid waste contains incidental commonly recycled paper.

''(3) NO EFFECT ON EXISTING PROCESSES.—Nothing in paragraph (1) shall be interpreted to require a State or political subdivision of a State, directly or indirectly, to change the systems, processes, or equipment it uses to collect, treat, dispose of, or otherwise use municipal solid waste, within the meaning of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), nor require a change to the regulations that implement subtitle D of such Act (42 U.S.C. 6941 et seq.).''.

SEC. 4115. ENERGY PERFORMANCE REQUIREMENT FOR FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ENERGY PERFORMANCE REQUIREMENT FOR FEDERAL BUILDINGS.—

''(1) REQUIREMENT.—Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2006 through 2017 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2003, by the percentage specified in the following table:

''Fiscal Year	*Percentage Reduction*
2006	*2*
2007	*4*
2008	*9*
2009	*12*
2010	*15*
2011	*18*
2012	*21*
2013	*24*
2014	*27*
2015	*30*
2016	*33*
2017	*36.*

''(2) EXCLUSION FOR BUILDINGS WITH ENERGY INTENSIVE ACTIVITIES.—

''(A) IN GENERAL.—An agency may exclude from the requirements of paragraph (1) any building (including the associated energy consumption and gross square footage) in which energy intensive activities are carried out.

''(B) REPORTS.—Each agency shall identify and list in each report made under section 548(a) the buildings designated by the agency for exclusion under subparagraph (A).

''(3) REVIEW.—Not later than December 31, 2017, the Secretary shall—

''(A) review the results of the implementation of the energy performance requirements established under paragraph (1); and

''(B) based on the review conducted under subparagraph (A), submit to Congress a report that addresses the feasibility of requiring each agency to apply energy conservation measures to, and improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in each of fiscal years 2018 through 2030 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in the prior fiscal year, by 3 percent.''; and

(2) in subsection (f)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and

(ii) by inserting after subparagraph (D) the following:

''(E) ONGOING COMMISSIONING.—The term 'ongoing commissioning' means an ongoing process of commissioning using monitored data, the primary goal of which is to ensure continuous optimum performance of a facility, in accordance with design or operating needs, over the useful life of the facility, while meeting facility occupancy requirements.'';

(B) in paragraph (2), by adding at the end the following:

''(C) ENERGY MANAGEMENT SYSTEM.—An energy manager designated under subparagraph (A) shall consider use of a system to manage energy use at the facility and certification of the facility in accordance with the International Organization for Standardization standard numbered 50001 and entitled 'Energy Management Systems'.'';

(C) by striking paragraphs (3) and (4) and inserting the following:

''(3) ENERGY AND WATER EVALUATIONS AND COMMISSIONING.—

''(A) EVALUATIONS.—Except as provided in subparagraph (B), effective beginning on the date that is 180 days after the date of enactment of the North American Energy Security and Infrastructure Act of 2015, and annually thereafter, each energy manager shall complete, for each calendar year, a comprehensive energy and water evaluation and recommissioning or retrocommissioning for approximately 25 percent of the facilities of that energy manager's agency that meet the criteria under paragraph (2)(B) in a manner that ensures that an evaluation of each facility is completed at least once every 4 years.

''(B) EXCEPTIONS.—An evaluation and recommissioning or recommissioning shall not be required under subparagraph (A) with respect to a facility that—

''(i) has had a comprehensive energy and water evaluation during the 8-year period preceding the date of the evaluation;

''(ii)(I) has been commissioned, recommissioned, or retrocommissioned during the 10-year period preceding the date of the evaluation; or

''(II) is under ongoing commissioning, recommissioning, or retrocommissioning;

''(iii) has not had a major change in function or use since the previous evaluation and commissioning, recommissioning, or retrocommissioning;

''(iv) has been benchmarked with public disclosure under paragraph (8) within the year preceding the evaluation; and

''(v)(I) based on the benchmarking, has achieved at a facility level the most recent cumulative energy savings target under subsection (a) compared to the earlier of—

''(aa) the date of the most recent evaluation; or

''(bb) the date—

''(AA) of the most recent commissioning, recommissioning, or retrocommissioning; or

''(BB) on which ongoing commissioning, recommissioning, or retrocommissioning began; or

''(II) has a long-term contract in place guaranteeing energy savings at least as great as the energy savings target under subclause (I).

''(4) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—

''(A) IN GENERAL.—Not later than 2 years after the date of completion of each evaluation under paragraph (3), each energy manager may—

''(i) implement any energy- or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life-cycle cost effective; and

''(ii) bundle individual measures of varying paybacks together into combined projects.

''(B) MEASURES NOT IMPLEMENTED.—Each energy manager, as part of the certification system under paragraph (7) and using guidelines developed by the Secretary, shall provide an explanation regarding any life-cycle cost-effective measures described in subparagraph (A)(i) that have not been implemented.''; and

(D) in paragraph (7)(C), by adding at the end the following:

''(iii) SUMMARY REPORT.—The Secretary shall make publicly available a report that summarizes the information tracked under subparagraph (B)(i) by each agency and, as applicable, by each type of measure.''.

SEC. 4116. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS; CERTIFICATION SYSTEM AND LEVEL FOR FEDERAL BUILDINGS.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) in paragraph (6), by striking ''to be constructed'' and inserting ''constructed or altered''; and

(2) by adding at the end the following:

''(17) MAJOR RENOVATION.—The term 'major renovation' means a modification of building energy systems sufficiently extensive that the whole building can meet energy standards for new buildings, based on criteria to be established by the Secretary through notice and comment rulemaking.''.

(b) FEDERAL BUILDING EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended—

(1) in subsection (a)(3)—

(A) by striking ''(3)(A) Not later than'' and all that follows through the end of subparagraph (B) and inserting the following:

''(3) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS; CERTIFICATION FOR GREEN BUILDINGS.—

''(A) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the North American Energy Security and Infrastructure Act of 2015, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

''(I) new Federal buildings and alterations and additions to existing Federal buildings—

''(aa) meet or exceed the most recent revision of the IECC (in the case of residential buildings) or ASHRAE Standard 90.1 (in the case of commercial buildings) as of the date of enactment of the North American Energy Security and Infrastructure Act of 2015; and

''(bb) meet or exceed the energy provisions of State and local building codes applicable to the building, if the codes are more stringent than the IECC or ASHRAE Standard 90.1, as applicable;

''(II) unless demonstrated not to be life-cycle cost effective for new Federal buildings and Federal buildings with major renovations—

''(aa) the buildings be designed to achieve energy consumption levels that are at least 30 percent below the levels established in the version of the ASHRAE Standard or the IECC, as appropriate, that is applied under subclause (I)(aa), including updates under subparagraph (B); and

''(bb) sustainable design principles are applied to the location, siting, design, and construction of all new Federal buildings and replacement Federal buildings;

''(III) if water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost effective; and

''(IV) if life-cycle cost effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new Federal building or Federal building undergoing a major renovation be met through the installation and use of solar hot water heaters.

''(ii) LIMITATION.—Clause (i)(I) shall not apply to unaltered portions of existing Federal buildings and systems that have been added to or altered.

''(B) UPDATES.—Not later than 1 year after the date of approval of each subsequent revision of ASHRAE Standard 90.1 or the IECC, as appropriate, the Secretary shall determine whether the revised standards established under subparagraph (A) should be updated to reflect the revisions, based on the energy savings and life-cycle cost effectiveness of the revisions.'';

(B) in subparagraph (C), by striking ''(C) In the budget request'' and inserting the following:

''(C) BUDGET REQUEST.—In the budget request''; and

(C) in subparagraph (D)—

(i) by striking ''(D) Not later than'' and all that follows through the end of the first sentence of clause (i)(III) and inserting the following:

''(D) CERTIFICATION FOR GREEN BUILDINGS.—

''(i) IN GENERAL.—'';

(ii) by striking clause (ii);

(iii) in clause (iii), by striking ''(iii) In identifying'' and inserting the following:

''(ii) CONSIDERATIONS.—In identifying'';

(iv) in clause (iv)—

(I) by striking ''(iv) At least once'' and inserting the following:

''(iii) STUDY.—At least once''; and

(II) by striking ''clause (iii)'' and inserting ''clause (ii)'';

(v) in clause (v)—

(I) by striking ''(v) The Secretary may'' and inserting the following:

''(iv) INTERNAL CERTIFICATION PROCESSES.—The Secretary may''; and

(II) by striking ''clause (i)(III)'' each place it appears and inserting ''clause (i)'';

(vi) in clause (vi)—

(I) by striking ''(vi) With respect'' and inserting the following:

''(v) PRIVATIZED MILITARY HOUSING.—With respect''; and

(II) by striking ''develop alternative criteria to those established by subclauses (I) and (III) of clause (i) that achieve an equivalent result in terms of energy savings, sustainable design, and'' and inserting ''develop alternative certification systems and levels than the systems and levels identified under clause (i) that achieve an equivalent result in terms of''; and

(vii) in clause (vii), by striking ''(vii) In addition to'' and inserting the following:

''(vi) WATER CONSERVATION TECHNOLOGIES.—In addition to''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) PERIODIC REVIEW.—The Secretary shall—

''(1) every 5 years, review the Federal building energy standards established under this section; and

''(2) on completion of a review under paragraph (1), if the Secretary determines that significant energy savings would result, upgrade the standards to include all new energy efficiency and renewable energy measures that are technologically feasible and economically justified.''.

SEC. 4117. OPERATION OF BATTERY RECHARGING STATIONS IN PARKING AREAS USED BY FEDERAL EMPLOYEES.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The head of any office of the Federal Government which owns or operates a parking area for the use of its employees (either directly or indirectly through a contractor) may install, construct, operate, and maintain on a reimbursable basis a battery recharging station in such area for the use of privately owned vehicles of employees of the office and others who are authorized to park in such area.

(2) USE OF VENDORS.—The head of an office may carry out paragraph (1) through a contract with a vendor, under such terms and conditions (including terms relating to the allocation between the office and the vendor of the costs of carrying out the contract) as the head of the office and the vendor may agree to.

(b) IMPOSITION OF FEES TO COVER COSTS.—

(1) FEES.—The head of an office of the Federal Government which operates and maintains a battery recharging station under this section shall charge fees to the individuals who use the station in such amount as is necessary to ensure that office recovers all of the costs it incurs in installing, constructing, operating, and maintaining the station.

(2) DEPOSIT AND AVAILABILITY OF FEES.—Any fees collected by the head of an office under this subsection shall be—

(A) deposited monthly in the Treasury to the credit of the appropriations account for salaries and expenses of the office; and

(B) available for obligation without further appropriation during—

(i) the fiscal year collected; and

(ii) the fiscal year following the fiscal year collected.

(c) NO EFFECT ON EXISTING PROGRAMS FOR HOUSE AND SENATE.—Nothing in this section may be construed to affect the installation, construction, operation, or maintenance of battery recharging stations by the Architect of the Capitol—

(1) under Public Law 112–170 (2 U.S.C. 2171), relating to employees of the House of Representatives and individuals authorized to park in any parking area under the jurisdiction of the House of Representatives on the Capitol Grounds; or

(2) under Public Law 112–167 (2 U.S.C. 2170), relating to employees of the Senate and individuals authorized to park in any parking area under the jurisdiction of the Senate on the Capitol Grounds.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2016 and each succeeding fiscal year.

CHAPTER 2—ENERGY EFFICIENT TECHNOLOGY AND MANUFACTURING

SEC. 4121. INCLUSION OF SMART GRID CAPABILITY ON ENERGY GUIDE LABELS.

Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding the following at the end:

''(J) SMART GRID CAPABILITY ON ENERGY GUIDE LABELS.—

''(i) RULE.—Not later than 1 year after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to consider making a special note in a prominent manner on any Energy Guide label for any product that includes Smart Grid capability that—

''(I) Smart Grid capability is a feature of that product;

''(II) the use and value of that feature depend on the Smart Grid capability of the utility system in which the product is installed and the active utilization of that feature by the customer; and

''(III) on a utility system with Smart Grid capability, the use of the product's Smart Grid capability could reduce the customer's cost of the product's annual operation as a result of the incremental energy and electricity cost savings that would result from the customer taking full advantage of such Smart Grid capability.

''(ii) DEADLINE.—Not later than 3 years after the date of enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i).''.

SEC. 4122. VOLUNTARY VERIFICATION PROGRAMS FOR AIR CONDITIONING, FURNACE, BOILER, HEAT PUMP, AND WATER HEATER PRODUCTS.

Section 326(b) of the Energy Policy and Conservation Act (42 U.S.C. 6296(b)) is amended by adding at the end the following:

''(6) VOLUNTARY VERIFICATION PROGRAMS FOR AIR CONDITIONING, FURNACE, BOILER, HEAT PUMP, AND WATER HEATER PRODUCTS.—

''(A) RELIANCE ON VOLUNTARY PROGRAMS.—For the purpose of verifying compliance with energy conservation standards established under sections 325 and 342 for covered products described in paragraphs (3), (4), (5), (9), and (11) of section 322(a) and covered equipment described in subparagraphs (B), (C), (D), (F), (I), (J), and (K) of section 340(1), the Secretary shall rely on testing conducted by recognized voluntary verification programs that are recognized by the Secretary in accordance with subparagraph (B).

''(B) RECOGNITION OF VOLUNTARY VERIFICATION PROGRAMS.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall initiate a negotiated rulemaking in accordance with subchapter III of chapter 5 of title 5, United States Code (commonly known as the 'Negotiated Rulemaking Act of 1990') to develop criteria that have consensus support for achieving recognition by the Secretary as an approved voluntary verification program. Any subsequent amendment to such criteria may be made only pursuant to a subsequent negotiated rulemaking in accordance with subchapter III of chapter 5 of title 5, United States Code.

''(ii) MINIMUM REQUIREMENTS.—The criteria developed under clause (i) shall, at a minimum, ensure that a voluntary verification program—

''(I) is nationally recognized;

''(II) is operated by a third party and not directly operated by a program participant;

''(III) satisfies any applicable elements of—

''(aa) International Organization for Standardization standard numbered 17025; and

''(bb) any other relevant International Organization for Standardization standards identified and agreed to through the negotiated rulemaking under clause (i);

''(IV) at least annually tests independently obtained products following the test procedures established under this title to verify the certified rating of a representative sample of products and equipment within the scope of the program;

''(V) maintains a publicly available list of all ratings of products subject to verification;

''(VI) requires the changing of the performance rating or removal of the product or equipment from the program if testing determines that the performance rating does not meet the levels the manufacturer has certified to the Secretary;

''(VII) requires new program participants to substantiate ratings through test data generated in accordance with Department of Energy regulations;

''(VIII) allows for challenge testing of products and equipment within the scope of the program;

''(IX) requires program participants to disclose the performance rating of all covered products and equipment within the scope of the program for the covered product or equipment;

''(X) provides to the Secretary—

''(aa) an annual report of all test results, the contents of which shall be determined through the negotiated rulemaking process under clause (i); and

''(bb) test reports, on the request of the Secretary, that note any instructions specified by the manufacturer or the representative of the manufacturer for the purpose of conducting the verification testing, to be exempted from disclosure under section 552(b)(4) of title 5, United States Code; and

''(XI) satisfies any additional requirements or standards that the Secretary shall establish consistent with this subparagraph.

''(iii) CESSATION OF RECOGNITION.—The Secretary may only cease recognition of a voluntary verification program as an approved program described in subparagraph (A) upon a finding that the program is not meeting its obligations for compliance through program review criteria developed during the negotiated rulemaking conducted under subparagraph (B).

''(C) ADMINISTRATION.—

''(i) IN GENERAL.—The Secretary shall not require—

''(I) manufacturers to participate in a recognized voluntary verification program described in subparagraph (A); or

''(II) participating manufacturers to provide information that has already been provided to the Secretary.

''(ii) LIST OF COVERED PRODUCTS.—The Secretary may maintain a publicly available list of covered products and equipment that distinguishes between products that are and are not covered products and equipment verified through a recognized voluntary verification program described in subparagraph (A).

''(iii) PERIODIC VERIFICATION TESTING.—The Secretary—

''(I) shall not subject products or equipment that have been verification tested under a recognized voluntary verification program described in subparagraph (A) to periodic verification testing to verify the accuracy of the certified performance rating of the products or equipment; but

''(II) may require testing of products or equipment described in subclause (I)—

''(aa) if the testing is necessary—

''(AA) to assess the overall performance of a voluntary verification program;

''(BB) to address specific performance issues;

''(CC) for use in updating test procedures and standards; or

''(DD) for other purposes consistent with this title; or

''(bb) if such testing is agreed to during the negotiated rulemaking conducted under subparagraph (B).

''(D) EFFECT ON OTHER AUTHORITY.—Nothing in this paragraph limits the authority of the Secretary to enforce compliance with any law.''.

SEC. 4123. FACILITATING CONSENSUS FURNACE STANDARDS.

(a) CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) acting pursuant to the requirements of section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295), the Secretary of Energy is considering amending the energy conservation standards applicable to residential nonweatherized gas furnaces and mobile home gas furnaces;

(B) numerous stakeholders, representing manufacturers, distributors, and installers of residential nonweatherized gas furnaces and mobile home furnaces, natural gas utilities, home builders, multifamily property owners, and energy efficiency, environmental, and consumer advocates have begun negotiations in an attempt to agree on a consensus recommendation to the Secretary on levels for such standards that will meet the statutory criteria; and

(C) the stakeholders believe these negotiations are likely to result in a consensus recommendation, but several of the stakeholders do not support suspending the current rulemaking.

(2) PURPOSE.—It is the purpose of this section to provide the stakeholders described in paragraph (1) with an opportunity to continue negotiations for a limited time period to facilitate the proposal for adoption of standards that enjoy consensus support, while not delaying the current rulemaking except to the extent necessary to provide such opportunity.

(b) OPPORTUNITY FOR A NEGOTIATED FURNACE STANDARD.—Section 325(f)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(4)) is amended by adding after subparagraph (D) the following:

''(E)(i) Unless the Secretary has published such a notice prior to the date of enactment of this Act, the Secretary shall publish, not later than October 31, 2015, a supplemental notice of proposed rulemaking or a notice of data availability updating the proposed rule entitled 'Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces' and published in the Federal Register on March 12, 2015 (80 Fed. Reg. 13119), to provide notice and an opportunity for comment on—

''(I) dividing nonweatherized gas furnaces into two or more product classes with separate energy conservation standards based on capacity; and

''(II) any other matters the Secretary determines appropriate.

''(ii) On receipt of a statement that is submitted on or before January 1, 2016, jointly by interested persons that are fairly representative of relevant points of view, that contains recommended standards for nonweatherized gas furnaces and mobile home gas furnaces that are consistent with the requirements of this part (except that the date on which such standards will apply may be earlier or later than the date required under this part), the Secretary shall evaluate the standards proposed in the joint statement for consistency with the requirements of subsection (o), and shall publish notice of the potential adoption of the standards proposed in the joint statement, modified as necessary to ensure consistency with subsection (o). The Secretary shall solicit public comment for a period of at least 30 days with respect to such notice.

''(iii) Not later than July 31, 2016, but not before July 1, 2016, the Secretary shall publish a final rule containing a determination of whether the standards for nonweatherized gas furnaces and mobile home gas furnaces should be amended. Such rule shall contain any such amendments to the standards.''.

SEC. 4124. FUTURE OF INDUSTRY PROGRAM.

(a) IN GENERAL.—Section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended by striking the section heading and inserting the following: ''**FUTURE OF INDUSTRY PROGRAM**''.

(b) DEFINITION OF ENERGY SERVICE PROVIDER.—Section 452(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(a)) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(2) by inserting after paragraph (2):

''(3) ENERGY SERVICE PROVIDER.—The term 'energy service provider' means any business providing technology or services to improve the energy efficiency, water efficiency, power factor, or load management of a manufacturing site or other industrial process in an energy-intensive industry, or any utility operating under a utility energy service project.''.

(c) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(2) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(3) in subparagraph (A) (as redesignated by paragraph (1)), by inserting before the semicolon at the end the following: '', including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes''; and

(4) by adding at the end the following:

''(2) COORDINATION.—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

''(A) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

''(B) coordinate with the Building Technologies Office of the Department of Energy to provide building assessment services to manufacturers;

''(C) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs; and

''(D) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management.

''(3) OUTREACH.—The Secretary shall provide funding for—

''(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

''(B) coordination activities by each industrial research and assessment center to leverage efforts with—

''(i) Federal and State efforts;

''(ii) the efforts of utilities and energy service providers;

''(iii) the efforts of regional energy efficiency organizations; and

''(iv) the efforts of other industrial research and assessment centers.

''(4) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum extent practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations of industrial research and assessment centers established under paragraph (1).''.

(d) CONFORMING AMENDMENT.—The item relating to section 452 in the table of contents for the Energy Independence and Security Act of 2007 is amended to read as follows:

''Sec. 452. Future of Industry program.''.

SEC. 4125. NO WARRANTY FOR CERTAIN CERTIFIED ENERGY STAR PRODUCTS.

Section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) is amended by adding at the end the following new subsection:

''(e) NO WARRANTY.—

''(1) IN GENERAL.—Any disclosure relating to participation of a product in the Energy Star program shall not create an express or implied warranty or give rise to any private claims or rights of action under State or Federal law relating to the disqualification of that product from Energy Star if—

''(A) the product has been certified by a certification body recognized by the Energy Star program;

''(B) the Administrator has approved corrective measures, including a determination of whether or not consumer compensation is appropriate; and

''(C) the responsible party has fully complied with all approved corrective measures.

''(2) CONSTRUAL.—Nothing in this subsection shall be construed to require the Administrator to modify any procedure or take any other action.''.

SEC. 4126. CLARIFICATION TO EFFECTIVE DATE FOR REGIONAL STANDARDS.

Section 325(o)(6)(E)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(6)(E)(ii)) is amended by striking ''installed'' and inserting ''manufactured or imported into the United States''.

SEC. 4127. INTERNET OF THINGS REPORT.

The Secretary of Energy shall, not later than 18 months after the date of enactment of this Act, report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the efforts made to take advantage of, and promote, the utilization of advanced technologies such as Internet of Things end-to-end platform solutions to provide real-time actionable analytics and enable predictive maintenance and asset management to improve energy efficiency wherever feasible. In doing so, the Secretary shall look to encourage and utilize Internet of Things energy management solutions that have security tightly integrated into the hardware and software from the outset. The Secretary shall also encourage the use of Internet of Things solutions that enable seamless connectivity and that are interoperable, open standards-based, and built on a repeatable foundation for ease of scalability.

CHAPTER 3—ENERGY PERFORMANCE CONTRACTING

SEC. 4131. USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.

(a) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) the status of each agency's energy savings performance contracts and utility energy service contracts, the investment value of such contracts, the guaranteed energy savings for the previous year as compared to the actual energy savings for the previous year, the plan for entering into such contracts in the coming year, and information explaining why any previously submitted plans for such contracts were not implemented.''.

(b) FEDERAL ENERGY MANAGEMENT DEFINITIONS.—Section 551(4) of the National Energy Conservation Policy Act (42 U.S.C. 8259(4)) is amended by striking ''or retrofit activities'' and inserting ''retrofit activities, or energy consuming devices and required support structures''.

(c) AUTHORITY TO ENTER INTO CONTRACTS.—Section 801(a)(2)(F) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(F)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(iii) limit the recognition of operation and maintenance savings associated with systems modernized or replaced with the implementation of energy conservation measures, water conservation measures, or any series of energy conservation measures and water conservation measures.''.

(d) MISCELLANEOUS AUTHORITY.—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following:

''(H) MISCELLANEOUS AUTHORITY.—Notwithstanding any other provision of law, a Federal agency may sell or transfer energy savings and apply the proceeds of such sale or transfer to fund a contract under this title.''.

(e) PAYMENT OF COSTS.—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by striking ''(and related operation and maintenance expenses)'' and inserting '', including related operations and maintenance expenses''.

(f) ENERGY SAVINGS PERFORMANCE CONTRACTS DEFINITIONS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) in subparagraph (A), by striking ''federally owned building or buildings or other federally owned facilities'' and inserting ''Federal building (as defined in section 551 (42 U.S.C. 8259))'' each place it appears;

(2) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(3) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new subparagraphs:

''(E) the use, sale, or transfer of energy incentives, rebates, or credits (including renewable energy credits) from Federal, State, or local governments or utilities; and

''(F) any revenue generated from a reduction in energy or water use, more efficient waste recycling, or additional energy generated from more efficient equipment.''.

CHAPTER 4—SCHOOL BUILDINGS

SEC. 4141. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

Section 392 of the Energy Policy and Conservation Act (42 U.S.C. 6371a) is amended by adding at the end the following:

''(e) COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.—

''(1) DEFINITION OF SCHOOL.—Notwithstanding section 391(6), for the purposes of this subsection, the term 'school' means—

''(A) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

''(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)));

''(C) a school of the defense dependents' education system under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;

''(D) a school operated by the Bureau of Indian Affairs;

''(E) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and

''(F) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

''(2) ESTABLISHMENT OF CLEARINGHOUSE.—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall establish a clearinghouse to disseminate information regarding available Federal programs and financing mechanisms that may be used to help initiate, develop, and finance energy efficiency, distributed generation, and energy retrofitting projects for schools.

''(3) REQUIREMENTS.—In carrying out paragraph (2), the Secretary shall—

''(A) consult with appropriate Federal agencies to develop a list of Federal programs and financing mechanisms that are, or may be, used for the purposes described in paragraph (2); and

''(B) coordinate with appropriate Federal agencies to develop a collaborative education and outreach effort to streamline communications and promote available Federal programs and financing mechanisms described in subparagraph (A), which may include the development and maintenance of a single online resource that includes contact information for relevant technical assistance in the Office of Energy Efficiency and Renewable Energy that States, local education agencies, and schools may use to effectively access and use such Federal programs and financing mechanisms.''.

CHAPTER 5—BUILDING ENERGY CODES

SEC. 4151. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832), as amended by section 4116, is further amended—

(1) by striking paragraph (14) and inserting the following:

''(14) MODEL BUILDING ENERGY CODE.—The term 'model building energy code' means a voluntary building energy code or standard developed and updated through a consensus process among interested persons, such as the IECC or ASHRAE Standard 90.1 or a code used by other appropriate organizations regarding which the Secretary has issued a determination that buildings subject to it would achieve greater energy efficiency than under a previously developed code.''; and

(2) by adding at the end the following:

''(18) ASHRAE STANDARD 90.1.—The term 'ASHRAE Standard 90.1' means the American Society of Heating, Refrigerating and Air-Conditioning Engineers ANSI/ASHRAE/IES Standard 90/1 Energy Standard for Buildings Except Low-Rise Residential Buildings.

''(19) COST-EFFECTIVE.—The term 'cost-effective' means having a simple payback of 10 years or less.

''(20) IECC.—The term 'IECC' means the International Energy Conservation Code as published by the International Code Council.

''(21) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(22) SIMPLE PAYBACK.—The term 'simple payback' means the time in years that is required for energy savings to exceed the incremental first cost of a new requirement or code.

''(23) TECHNICALLY FEASIBLE.—The term 'technically feasible' means capable of being achieved, based on widely available appliances, equipment, technologies, materials, and construction practices.''.

(b) STATE BUILDING ENERGY EFFICIENCY CODES.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

''SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

''(a) IN GENERAL.—The Secretary shall provide technical assistance, as described in subsection (e), for the purposes of—

''(1) implementation of building energy codes by States, Indian tribes, and, as appropriate, by local governments, that are technically feasible and cost-effective; and

''(2) supporting full compliance with the State, tribal, and local codes.

''(b) STATE AND INDIAN TRIBE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

''(1) REVIEW AND UPDATING OF CODES BY EACH STATE AND INDIAN TRIBE.—

''(A) IN GENERAL.—Not later than 3 years after the date on which a model building energy code is published, each State or Indian tribe shall certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively.

''(B) DEMONSTRATION.—The certification shall include a statement of whether or not the energy savings for the code provisions that are in effect throughout the State or Indian tribal territory meet or exceed—

''(i) the energy savings of the most recently published model building energy code; or

''(ii) the targets established under section 307(b)(2).

''(C) NO MODEL BUILDING ENERGY CODE UPDATE.—If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State or Indian tribe shall, not later than 3 years after the specified date, certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

''(2) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

''(A) determine whether the code provisions of the State or Indian tribe, respectively, meet the criteria specified in paragraph (1);

''(B) determine whether the certification submitted by the State or Indian tribe, respectively, is complete; and

''(C) if the requirements of subparagraph (B) are satisfied, validate the certification.

''(3) LIMITATION.—Nothing in this section shall be interpreted to require a State or Indian tribe to adopt any building code or provision within a code.

''(c) IMPROVEMENTS IN COMPLIANCE WITH BUILDING ENERGY CODES.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—Not later than 3 years after the date of a certification under subsection (b), each State and Indian tribe shall certify whether or not the State or Indian tribe, respectively, has—

''(i) achieved full compliance under paragraph (3) with the applicable certified State or Indian tribe building energy code or with the associated model building energy code; or

''(ii) made significant progress under paragraph (4) toward achieving compliance with the applicable certified State or Indian tribe building energy code or with the associated model building energy code.

''(B) REPEAT CERTIFICATIONS.—If the State or Indian tribe certifies progress toward achieving compliance, the State or Indian tribe shall repeat the certification until the State or Indian tribe certifies that the State or Indian tribe has achieved full compliance.

''(2) MEASUREMENT OF COMPLIANCE.—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

''(A) inspections of a random sample of the buildings covered by the code in the preceding year; or

''(B) an alternative method that yields an accurate measure of compliance.

''(3) ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to achieve full compliance under paragraph (1) if—

''(A) at least 90 percent of building space covered by the code in the preceding year substantially meets all the requirements of the applicable code specified in paragraph (1), or achieves equivalent or greater energy savings level; or

''(B) the estimated excess energy use of buildings that did not meet the applicable code specified in paragraph (1) in the preceding year, compared to a baseline of comparable buildings that meet this code, is not more than 5 percent of the estimated energy use of all buildings covered by this code during the preceding year.

''(4) SIGNIFICANT PROGRESS TOWARD ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State or Indian tribe—

''(A) has developed and is implementing a plan for achieving compliance during the 8-year period beginning on the date of enactment of this paragraph, including annual targets for compliance and active training and enforcement programs; and

''(B) has met the most recent target under subparagraph (A).

''(5) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

''(A) determine whether the State or Indian tribe has demonstrated meeting the criteria of this subsection, including accurate measurement of compliance;

''(B) determine whether the certification submitted by the State or Indian tribe is complete; and

''(C) if the requirements of subparagraph (B) are satisfied, validate the certification.

''(6) LIMITATION.—Nothing in this section shall be interpreted to require a State or Indian tribe to adopt any building code or provision within a code.

''(d) STATES OR INDIAN TRIBES THAT DO NOT ACHIEVE COMPLIANCE.—

''(1) REPORTING.—A State or Indian tribe that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on the status of the State or Indian tribe with respect to meeting the requirements and submitting the certification.

''(2) STATE SOVEREIGNTY.—Nothing in this section shall be interpreted to require a State or Indian tribe to adopt any building code or provision within a code.

''(3) LOCAL GOVERNMENT.—In any State or Indian tribe for which the Secretary has not validated a certification under subsection (b) or (c), a local government may be eligible for Federal support by meeting the certification requirements of subsections (b) and (c).

''(4) ANNUAL REPORTS BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on—

''(i) the status of model building energy codes;

''(ii) the status of code adoption and compliance in the States and Indian tribes;

''(iii) implementation of this section; and

''(iv) improvements in energy savings over time as a result of the targets established under section 307(b)(2).

''(B) IMPACTS.—The report shall include estimates of impacts of past action under this section, and potential impacts of further action, on—

''(i) upfront financial and construction costs, cost benefits and returns (using a return on investment analysis), and lifetime energy use for buildings;

''(ii) resulting energy costs to individuals and businesses; and

''(iii) resulting overall annual building ownership and operating costs.

''(e) TECHNICAL ASSISTANCE TO STATES AND INDIAN TRIBES.—

''(1) IN GENERAL.—The Secretary shall, upon request, provide technical assistance to States and Indian tribes to implement the goals and requirements of this section—

''(A) to implement State residential and commercial building energy codes; and

''(B) to document the rate of compliance with a building energy code.

''(2) TECHNICAL ASSISTANCE.—The assistance shall include, as requested by the State or Indian tribe, technical assistance in—

''(A) evaluating the energy savings of building energy codes;

''(B) assessing the economic considerations, referenced in section 307(b)(4), of implementing building energy codes;

''(C) building energy analysis and design tools;

''(D) energy simulation models;

''(E) building demonstrations;

''(F) developing the definitions of energy use intensity and building types for use in model building energy codes to evaluate the efficiency impacts of the model building energy codes; and

''(G) complying with a performance-based pathway referenced in the model code.

''(3) EXCLUSION.—For purposes of this section, 'technical assistance' shall not include actions that promote or discourage the adoption of a particular building energy code, code provision, or energy savings target to a State or Indian tribe.

''(4) INFORMATION QUALITY AND TRANSPARENCY.—For purposes of this section, information provided by the Secretary, attendant to any technical assistance provided to a State or Indian tribe, is 'influential information' and shall satisfy the guidelines established by the Office of Management and Budget and published at 67 Federal Register 8,452 (Feb. 22, 2002).

''(f) FEDERAL SUPPORT.—

''(1) IN GENERAL.—The Secretary shall provide support to States and Indian tribes—

''(A) to implement the reporting requirements of this section; and

''(B) to implement residential and commercial building energy codes, including increasing and verifying compliance with the codes and training of State, tribal, and local building code officials to implement and enforce the codes.

''(2) EXCLUSION.—Support shall not be given to support adoption and implementation of model building energy codes for which the Secretary has made a determination under section 307(g)(1)(C) that the code is not cost-effective.

''(3) TRAINING.—Support shall be offered to States to train State and local building code officials to implement and enforce codes described in paragraph (1)(B).

''(4) LOCAL GOVERNMENTS.—States may work under this subsection with local governments that implement and enforce codes described in paragraph (1)(B).

''(g) VOLUNTARY PROGRAMS TO EXCEED MODEL BUILDING ENERGY CODE.—

''(1) IN GENERAL.—The Secretary shall provide technical assistance, as described in subsection (e), for the development of voluntary programs that exceed the model building energy codes for residential and commercial buildings for use as—

''(A) voluntary incentive programs adopted by local, tribal, or State governments; and

''(B) nonbinding guidelines for energy-efficient building design.

''(2) TARGETS.—The voluntary programs described in paragraph (1) shall be designed—

''(A) to achieve substantial energy savings compared to the model building energy codes; and

''(B) to meet targets under section 307(b), if available, up to 3 to 6 years in advance of the target years.

''(h) STUDIES.—

''(1) GAO STUDY.—

''(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the impacts of updating the national model building energy codes for residential and commercial buildings. In conducting the study, the Comptroller General shall consider and report, at a minimum—

''(i) the actual energy consumption savings stemming from updated energy codes compared to the energy consumption savings predicted during code development;

''(ii) the actual consumer cost savings stemming from updated energy codes compared to predicted consumer cost savings; and

''(iii) an accounting of expenditures of the Federal funds under each program authorized by this title.

''(B) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the North American Energy Security and Infrastructure Act of 2015, the Comptroller General of the United States shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives including the study findings and conclusions.

''(2) FEASIBILITY STUDY.—The Secretary, in consultation with building science experts from the National Laboratories and institutions of higher education, designers and builders of energy-efficient residential and commercial buildings, code officials, and other stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of—

''(A) code improvements that would require that buildings be designed, sited, and constructed in a manner that makes the buildings more adaptable in the future to become zero-net-energy after initial construction, as advances are achieved in energy-saving technologies;

''(B) code procedures to incorporate a ten-year payback, not just first-year energy use, in trade-offs and performance calculations; and

''(C) legislative options for increasing energy savings from building energy codes, including additional incentives for effective State and local verification of compliance with and enforcement of a code.

''(3) ENERGY DATA IN MULTITENANT BUILDINGS.—The Secretary, in consultation with appropriate representatives of the utility, utility regulatory, building ownership, and other stakeholders, shall—

''(A) undertake a study of best practices regarding delivery of aggregated energy consumption information to owners and managers of residential and commercial buildings with multiple tenants and uses; and

''(B) consider the development of a memorandum of understanding between and among affected stakeholders to reduce barriers to the delivery of aggregated energy consumption information to such owners and managers.

''(i) EFFECT ON OTHER LAWS.—Nothing in this section or section 307 supersedes or modifies the application of sections 321 through 346 of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.).

''(j) FUNDING LIMITATIONS.—No Federal funds shall be—

''(1) used to support actions by the Secretary, or States, to promote or discourage the adoption of a particular building energy code, code provision, or energy saving target to a State or Indian tribe; or

''(2) provided to private third parties or nongovernmental organizations to engage in such activities.''.

(c) FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended by striking ''voluntary building energy code'' in subsections (a)(2)(B) and (b) and inserting ''model building energy code''.

(d) MODEL BUILDING ENERGY CODES.—

(1) AMENDMENT.—Section 307 of the Energy Conservation and Production Act (42 U.S.C. 6836) is amended to read as follows:

''SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.

''(a) IN GENERAL.—The Secretary shall provide technical assistance, as described in subsection (c), for updating of model building energy codes.

''(b) TARGETS.—

''(1) IN GENERAL.—The Secretary shall provide technical assistance, for updating the model building energy codes.

''(2) TARGETS.—

''(A) IN GENERAL.—The Secretary shall provide technical assistance to States, Indian tribes, local governments, nationally recognized code and standards developers, and other interested parties for updating of model building energy codes by establishing one or more aggregate energy savings targets through rulemaking in accordance with section 553 of title 5, United States Code, to achieve the purposes of this section.

''(B) SEPARATE TARGETS.—Separate targets may be established for commercial and residential buildings.

''(C) BASELINES.—The baseline for updating model building energy codes shall be the 2009 IECC for residential buildings and ASHRAE Standard 90.1–2010 for commercial buildings.

''(D) SPECIFIC YEARS.—

''(i) IN GENERAL.—Targets for specific years shall be established and revised by the Secretary through rulemaking in accordance with section 553 of title 5, United States Code, and coordinated with nationally recognized code and standards developers at a level that—

''(I) is at the maximum level of energy efficiency that is technically feasible and cost effective, while accounting for the economic considerations under paragraph (4); and

''(II) promotes the achievement of commercial and residential high performance buildings through high performance energy efficiency (within the meaning of section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

''(ii) INITIAL TARGETS.—Not later than 1 year after the date of enactment of this clause, the Secretary shall establish initial targets under this subparagraph.

''(iii) DIFFERENT TARGET YEARS.—Subject to clause (i), prior to the applicable year, the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a target cannot be met.

''(E) SMALL BUSINESS.—When establishing targets under this paragraph through rulemaking, the Secretary shall ensure compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note; Public Law 104–121) for any indirect economic effect on small entities that is reasonably foreseeable and a result of such rule.

''(3) APPLIANCE STANDARDS AND OTHER FACTORS AFFECTING BUILDING ENERGY USE.—In establishing energy savings targets under paragraph (2), the Secretary shall develop and adjust the targets in recognition of potential savings and costs relating to—

''(A) efficiency gains made in appliances, lighting, windows, insulation, and building envelope sealing;

''(B) advancement of distributed generation and on-site renewable power generation technologies;

''(C) equipment improvements for heating, cooling, and ventilation systems and water heating systems;

''(D) building management systems and smart grid technologies to reduce energy use; and

''(E) other technologies, practices, and building systems regarding building plug load and other energy uses.

In developing and adjusting the targets, the Secretary shall use climate zone weighted averages for equipment efficiency for heating, cooling, ventilation, and water heating systems, using equipment that is actually installed.

''(4) ECONOMIC CONSIDERATIONS.—In establishing and revising energy savings targets under paragraph (2), the Secretary shall consider the economic feasibility of achieving the proposed targets established under this section and the potential costs and savings for consumers and building owners, by conducting a return on investment analysis, using a simple payback methodology over a 3-, 5-, and 7-year period. The Secretary shall not propose or provide technical or financial assistance for any code, provision in the code, or energy target, or amendment thereto, that has a payback greater than 10 years.

''(c) TECHNICAL ASSISTANCE TO MODEL BUILDING ENERGY CODE-SETTING AND STANDARD DEVELOPMENT ORGANIZATIONS.—

''(1) IN GENERAL.—The Secretary shall, on a timely basis, provide technical assistance to model building energy code-setting and standard development organizations consistent with the goals of this section.

''(2) TECHNICAL ASSISTANCE.—The assistance shall include, as requested by the organizations, technical assistance in—

''(A) evaluating the energy savings of building energy codes;

''(B) assessing the economic considerations, under subsection (b)(4), of code or standards proposals or revisions;

''(C) building energy analysis and design tools;

''(D) energy simulation models;

''(E) building demonstrations;

''(F) developing definitions of energy use intensity and building types for use in model building energy codes to evaluate the efficiency impacts of the model building energy codes;

''(G) developing a performance-based pathway for compliance;

''(H) developing model building energy codes by Indian tribes in accordance with tribal law; and

''(I) code development meetings, including through direct Federal employee participation in committee meetings, hearings and online communication, voting, and presenting research and technical or economic analyses during such meetings.

''(3) EXCLUSION.—Except as provided in paragraph (2)(I), for purposes of this section, 'technical assistance' shall not include actions that promote or discourage the adoption of a particular building energy code, code provision, or energy savings target.

''(4) INFORMATION QUALITY AND TRANSPARENCY.—For purposes of this section, information provided by the Secretary, attendant to development of any energy savings targets, is influential information and shall satisfy the guidelines established by the Office of Management and Budget and published at 67 Federal Register 8,452 (Feb. 22, 2002).

''(d) AMENDMENT PROPOSALS.—

''(1) IN GENERAL.—The Secretary may submit timely model building energy code amendment proposals that are technically feasible, cost-effective, and technology-neutral to the model building energy code-setting and standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

''(2) PROCESS AND FACTORS.—All amendment proposals submitted by the Secretary shall be published in the Federal Register and made available on the Department of Energy website 90 days prior to any submittal to a code development body, and shall be subject to a public comment period of not less than 60 days. Information provided by the Secretary, attendant to submission of any amendment proposals, is influential information and shall satisfy the guidelines established by the Office of Management and Budget and published at 67 Federal Register 8,452 (Feb. 22, 2002). When calculating the costs and benefits of an amendment, the Secretary shall use climate zone weighted averages for equipment efficiency for heating, cooling, ventilation, and water heating systems, using equipment that is actually installed.

''(e) ANALYSIS METHODOLOGY.—The Secretary shall make publicly available the entire calculation methodology (including input assumptions and data) used by the Secretary to estimate the energy savings of code or standard proposals and revisions.

''(f) METHODOLOGY DEVELOPMENT.—The Secretary shall establish a methodology for evaluating cost effectiveness of energy code changes in multifamily buildings that incorporates economic parameters representative of typical multifamily buildings.

''(g) DETERMINATION.—

''(1) REVISION OF MODEL BUILDING ENERGY CODES.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision—

''(A) improves energy efficiency in buildings compared to the existing IECC or ASHRAE Standard 90.1, as applicable;

''(B) meets the applicable targets under subsection (b)(2); and

''(C) is technically feasible and cost-effective.

''(2) CODES OR STANDARDS NOT MEETING CRITERIA.—

''(A) IN GENERAL.—If the Secretary makes a preliminary determination under paragraph (1)(B) that a revised IECC or ASHRAE Standard 90.1 does not meet the targets established under subsection (b)(2), is not technically feasible, or is not cost-effective, the Secretary may at the same time provide technical assistance, as described in subsection (c), to the International Code Council or ASHRAE, as applicable, with proposed changes that would result in a model building energy code or standard that meets the criteria, and with supporting evidence. Proposed changes submitted by the Secretary shall be published in the Federal Register and made available on the Department of Energy website 90 days prior to any submittal to a code development body, and shall be subject to a public comment period of not less than 60 days. Information provided by the Secretary, attendant to submission of any amendment proposals, is influential information and shall satisfy the guidelines established by the Office of Management and Budget and published at 67 Federal Register 8,452 (Feb. 22, 2002).

''(B) INCORPORATION OF CHANGES.—

''(i) IN GENERAL.—On receipt of the technical assistance, as described in subsection (c), the International Code Council or ASHRAE, as applicable, shall, prior to the Secretary making a final determination under paragraph (1), have an additional 270 days to accept or reject the proposed changes made by the Secretary to the model building energy code or standard.

''(ii) FINAL DETERMINATION.—A final determination under paragraph (1) shall be on the final revised model building energy code or standard.

''(h) ADMINISTRATION.—In carrying out this section, the Secretary shall—

''(1) publish notice of targets, amendment proposals and supporting analysis and determinations under this section in the Federal Register to provide an explanation of and the basis for such actions, including any supporting modeling, data, assumptions, protocols, and cost-benefit analysis, including return on investment;

''(2) provide an opportunity for public comment on targets and supporting analysis and determinations under this section, in accordance with section 553 of title 5, United States Code; and

''(3) provide an opportunity for public comment on amendment proposals.

''(i) VOLUNTARY CODES AND STANDARDS.—Not withstanding any other provision of this section, any model building code or standard established under this section shall not be binding on a State, local government, or Indian tribe as a matter of Federal law.''.

(2) CONFORMING AMENDMENT.—The item relating to section 307 in the table of contents for the Energy Conservation and Production Act is amended to read as follows:

''Sec. 307. Support for model building energy codes.''.

SEC. 4152. VOLUNTARY NATURE OF BUILDING ASSET RATING PROGRAM.

(a) IN GENERAL.—Any program of the Secretary of Energy that may enable the owner of a commercial building or a residential building to obtain a rating, score, or label regarding the actual or anticipated energy usage or performance of a building shall be made available on a voluntary, optional, and market-driven basis.

(b) DISCLAIMER AS TO REGULATORY INTENT.—Information disseminated by the Secretary of Energy regarding the program described in subsection (a), including any information made available by the Secretary on a website, shall include language plainly stating that such program is not developed or intended to be the basis for a regulatory program by a Federal, State, local, or municipal government body.

CHAPTER 6—EPCA TECHNICAL CORRECTIONS AND CLARIFICATIONS

SEC. 4161. MODIFYING PRODUCT DEFINITIONS.

(a) AUTHORITY TO MODIFY DEFINITIONS.—

(1) COVERED PRODUCTS.—Section 322 of the Energy Policy and Conservation Act (42 U.S.C. 6292) is amended by adding at the end the following:

''(c) MODIFYING DEFINITIONS OF COVERED PRODUCTS.—

''(1) IN GENERAL.—For any covered product for which a definition is provided in section 321, the Secretary may, by rule, unless prohibited herein, modify such definition in order to—

''(A) address significant changes in the product or the market occurring since the definition was established; and

''(B) better enable improvements in the energy efficiency of the product as part of an energy using system.

''(2) ANTIBACKSLIDING EXEMPTION.—Section 325(o)(1) shall not apply to adjustments to covered product definitions made pursuant to this subsection.

''(3) PROCEDURE FOR MODIFYING DEFINITION.—

''(A) IN GENERAL.—Notice of any adjustment to the definition of a covered product and an explanation of the reasons therefor shall be published in the Federal Register and opportunity provided for public comment.

''(B) CONSENSUS REQUIRED.—Any amendment to the definition of a covered product under this subsection must have consensus support, as reflected in—

''(i) the outcome of negotiations conducted in accordance with the subchapter III of chapter 5 of title 5, United States Code (commonly known as the 'Negotiated Rulemaking Act of 1990'); or

''(ii) the Secretary's receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, which contains a recommended modified definition for a covered product.

''(4) EFFECT OF A MODIFIED DEFINITION.—

''(A) IN GENERAL.—For any type or class of consumer product which becomes a covered product pursuant to this subsection—

''(i) the Secretary may establish test procedures for such type or class of covered product pursuant to section 323 and energy conservation standards pursuant to section 325(l);

''(ii) the Commission may prescribe labeling rules pursuant to section 324 if the Commission determines that labeling in accordance with that section is technologically and economically feasible and likely to assist consumers in making purchasing decisions;

''(iii) section 327 shall begin to apply to such type or class of covered product in accordance with section 325(ii)(1); and

''(iv) standards previously promulgated under section 325 shall not apply to such type or class of product.

''(B) APPLICABILITY.—For any type or class of consumer product which ceases to be a covered product pursuant to this subsection, the provisions of this part shall no longer apply to the type or class of consumer product.''.

(2) COVERED EQUIPMENT.—Section 341 of the Energy Policy and Conservation Act (42 U.S.C. 6312) is amended by adding at the end the following:

''(d) MODIFYING DEFINITIONS OF COVERED EQUIPMENT.—

''(1) IN GENERAL.—For any covered equipment for which a definition is provided in section 340, the Secretary may, by rule, unless prohibited herein, modify such definition in order to—

''(A) address significant changes in the product or the market occurring since the definition was established; and

''(B) better enable improvements in the energy efficiency of the equipment as part of an energy using system.

''(2) ANTIBACKSLIDING EXEMPTION.—Section 325(o)(1) shall not apply to adjustments to covered equipment definitions made pursuant to this subsection.

''(3) PROCEDURE FOR MODIFYING DEFINITION.—

''(A) IN GENERAL.—Notice of any adjustment to the definition of a type of covered equipment and an explanation of the reasons therefor shall be published in the Federal Register and opportunity provided for public comment.

''(B) CONSENSUS REQUIRED.—Any amendment to the definition of a type of covered equipment under this subsection must have consensus support, as reflected in—

''(i) the outcome of negotiations conducted in accordance with the subchapter III of chapter 5 of title 5, United States Code (commonly known as the 'Negotiated Rulemaking Act of 1990'); or

''(ii) the Secretary's receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered equipment, States, and efficiency advocates), as determined by the Secretary, which contains a recommended modified definition for a type of covered equipment.

''(4) EFFECT OF A MODIFIED DEFINITION.—

''(A) For any type or class of equipment which becomes covered equipment pursuant to this subsection—

''(i) the Secretary may establish test procedures for such type or class of covered equipment pursuant to section 343 and energy conservation standards pursuant to section 325(l);

''(ii) the Secretary may prescribe labeling rules pursuant to section 344 if the Secretary determines that labeling in accordance with that

section is technologically and economically feasible and likely to assist purchasers in making purchasing decisions;

''(iii) section 327 shall begin to apply to such type or class of covered equipment in accordance with section 325(ii)(1); and

''(iv) standards previously promulgated under section 325, 342, or 346 shall not apply to such type or class of covered equipment.

''(B) For any type or class of equipment which ceases to be covered equipment pursuant to this subsection the provisions of this part shall no longer apply to the type or class of equipment.''.

(b) CONFORMING AMENDMENTS PROVIDING FOR JUDICIAL REVIEW.—

(1) Section 336 of the Energy Policy and Conservation Act (42 U.S.C. 6306) is amended by striking ''section 323,'' each place it appears and inserting ''section 322, 323,''; and

(2) Section 345(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(a)(1)) is amended to read as follows:

''(1) the references to sections 322, 323, 324, and 325 of this Act shall be considered as references to sections 341, 343, 344, and 342 of this Act, respectively;''.

SEC. 4162. CLARIFYING RULEMAKING PROCEDURES.

(a) COVERED PRODUCTS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (5), and (6), respectively;

(2) by inserting before paragraph (2) (as so redesignated by paragraph (1) of this subsection) the following:

''(1) The Secretary shall provide an opportunity for public input prior to the issuance of a proposed rule, seeking information—

''(A) identifying and commenting on design options;

''(B) on the existence of and opportunities for voluntary nonregulatory actions; and

''(C) identifying significant subgroups of consumers and manufacturers that merit analysis.'';

(3) in paragraph (3) (as so redesignated by paragraph (1) of this subsection)—

(A) in subparagraph (C), by striking ''and'' after ''adequate;'';

(B) in subparagraph (D), by striking ''standard.'' and inserting ''standard;''; and

(C) by adding at the end the following new subparagraphs:

''(E) whether the technical and economic analytical assumptions, methods, and models used to justify the standard to be prescribed are—

''(i) justified; and

''(ii) available and accessible for public review, analysis, and use; and

''(F) the cumulative regulatory impacts on the manufacturers of the product, taking into account—

''(i) other government standards affecting energy use; and

''(ii) other energy conservation standards affecting the same manufacturers.''; and

(4) by inserting after paragraph (3) (as so redesignated by paragraph (1) of this subsection) the following:

''(4) RESTRICTION ON TEST PROCEDURE AMENDMENTS.—

''(A) IN GENERAL.—Any proposed energy conservation standards rule shall be based on the final test procedure which shall be used to determine compliance, and the public comment period on the proposed standards shall conclude no sooner than 180 days after the date of publication of a final rule revising the test procedure.

''(B) EXCEPTION.—The Secretary may propose or prescribe an amendment to the test procedures issued pursuant to section 323 for any type or class of covered product after the issuance of a notice of proposed rulemaking to prescribe an amended or new energy conservation standard for that type or class of covered product, but before the issuance of a final rule prescribing any such standard, if—

''(i) the amendments to the test procedure have consensus support achieved through a rulemaking conducted in accordance with the subchapter III of chapter 5 of title 5, United States Code (commonly known as the 'Negotiated Rulemaking Act of 1990'); or

''(ii) the Secretary receives a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of the type or class of covered product, States, and efficiency advocates), as determined by the Secretary, which contains a recommendation that a supplemental notice of proposed rulemaking is not necessary for the type or class of covered product.''.

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended by striking ''section 325(p)(4),'' and inserting ''section 325(p)(3), (4), and (6),''.

CHAPTER 7—ENERGY AND WATER EFFICIENCY

SEC. 4171. SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a utility;

(B) a municipality;

(C) a water district; and

(D) any other authority that provides water, wastewater, or water reuse services.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.—The term ''smart energy and water efficiency pilot program'' or ''pilot program'' means the pilot program established under subsection (b).

(b) SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish and carry out a smart energy and water efficiency management pilot program in accordance with this section.

(2) PURPOSE.—The purpose of the smart energy and water efficiency pilot program is to award grants to eligible entities to demonstrate advanced and innovative technology-based solutions that will—

(A) increase and improve the energy efficiency of water, wastewater, and water reuse systems to help communities across the United States make significant progress in conserving water, saving energy, and reducing costs;

(B) support the implementation of innovative processes and the installation of advanced automated systems that provide real-time data on energy and water; and

(C) improve energy and water conservation, water quality, and predictive maintenance of energy and water systems, through the use of Internet-connected technologies, including sensors, intelligent gateways, and security embedded in hardware.

(3) PROJECT SELECTION.—

(A) IN GENERAL.—The Secretary shall make competitive, merit-reviewed grants under the pilot program to not less than 3, but not more than 5, eligible entities.

(B) SELECTION CRITERIA.—In selecting an eligible entity to receive a grant under the pilot program, the Secretary shall consider—

(i) energy and cost savings anticipated to result from the project;

(ii) the innovative nature, commercial viability, and reliability of the technology to be used;

(iii) the degree to which the project integrates next-generation sensors, software, hardware, analytics, and management tools;

(iv) the anticipated cost effectiveness of the pilot project in terms of energy efficiency savings, water savings or reuse, and infrastructure costs averted;

(v) whether the technology can be deployed in a variety of geographic regions and the degree to which the technology can be implemented on a smaller or larger scale, including whether the technology can be implemented by each type of eligible entity;

(vi) whether the technology has been successfully deployed elsewhere;

(vii) whether the technology is sourced from a manufacturer based in the United States; and

(viii) whether the project will be completed in 5 years or less.

(C) APPLICATIONS.—

(i) IN GENERAL.—Subject to clause (ii), an eligible entity seeking a grant under the pilot program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

(ii) CONTENTS.—An application under clause (i) shall, at a minimum, include—

(I) a description of the project;

(II) a description of the technology to be used in the project;

(III) the anticipated results, including energy and water savings, of the project;

(IV) a comprehensive budget for the project;

(V) the names of the project lead organization and any partners;

(VI) the number of users to be served by the project; and

(VII) any other information that the Secretary determines to be necessary to complete the review and selection of a grant recipient.

(4) ADMINISTRATION.—

(A) IN GENERAL.—Not later than 300 days after the date of enactment of this Act, the Secretary shall select grant recipients under this section.

(B) EVALUATIONS.—The Secretary shall annually carry out an evaluation of each project for which a grant is provided under this section that—

(i) evaluates the progress and impact of the project; and

(ii) assesses the degree to which the project is meeting the goals of the pilot program.

(C) TECHNICAL AND POLICY ASSISTANCE.—On the request of a grant recipient, the Secretary shall provide technical and policy assistance to the grant recipient to carry out the project.

(D) BEST PRACTICES.—The Secretary shall make available to the public—

(i) a copy of each evaluation carried out under subparagraph (B); and

(ii) a description of any best practices identified by the Secretary as a result of those evaluations.

(E) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report containing the results of each evaluation carried out under subparagraph (B).

(c) FUNDING.—

(1) IN GENERAL.—To carry out this section, the Secretary shall use not more than $15,000,000 of amounts made available to the Secretary.

(2) PRIORITIZATION.—In funding activities under this section, the Secretary shall prioritize funding in the following manner:

(A) The Secretary shall first use any unobligated amounts made available to the Secretary to carry out the activities of the Energy Efficiency and Renewable Energy Office.

(B) After any amounts described in subparagraph (A) have been used, the Secretary shall then use any unobligated amounts (other than those described in subparagraph (A)) made available to the Secretary.

SEC. 4172. WATERSENSE.

(a) IN GENERAL.—The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) is amended by adding after section 324A the following:

''SEC. 324B. WATERSENSE.

''(a) WATERSENSE.—

''(1) IN GENERAL.—There is established within the Environmental Protection Agency a voluntary program, to be entitled 'WaterSense', to

identify water efficient products, buildings, landscapes, facilities, processes, and services that sensibly—

''(A) reduce water use;

''(B) reduce the strain on public and community water systems and wastewater and stormwater infrastructure;

''(C) conserve energy used to pump, heat, transport, and treat water; and

''(D) preserve water resources for future generations, through voluntary labeling of, or other forms of communications about, products, buildings, landscapes, facilities, processes, and services while still meeting strict performance criteria.

''(2) DUTIES.—The Administrator, coordinating as appropriate with the Secretary of Energy, shall—

''(A) establish—

''(i) a WaterSense label to be used for items meeting the certification criteria established in this section; and

''(ii) the procedure, including the methods and means, by which an item may be certified to display the WaterSense label;

''(B) conduct a public awareness education campaign regarding the WaterSense label;

''(C) preserve the integrity of the WaterSense label by—

''(i) establishing and maintaining feasible performance criteria so that products, buildings, landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

''(ii) overseeing WaterSense certifications made by third parties;

''(iii) using testing protocols, from the appropriate, applicable, and relevant consensus standards, for the purpose of determining standards compliance; and

''(iv) auditing the use of the WaterSense label in the marketplace and preventing cases of misuse; and

''(D) not more often than every six years, review and, if appropriate, update WaterSense criteria for the defined categories of water-efficient product, building, landscape, process, or service, including—

''(i) providing reasonable notice to interested parties and the public of any such changes, including effective dates, and an explanation of the changes;

''(ii) soliciting comments from interested parties and the public prior to any such changes;

''(iii) as appropriate, responding to comments submitted by interested parties and the public; and

''(iv) providing an appropriate transition time prior to the applicable effective date of any such changes, taking into account the timing necessary for the manufacture, marketing, training, and distribution of the specific water-efficient product, building, landscape, process, or service category being addressed.

''(b) USE OF SCIENCE.—In carrying out this section, and, to the degree that an agency action is based on science, the Administrator shall use—

''(1) the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

''(2) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justify use of the data).

''(c) DISTINCTION OF AUTHORITIES.—In setting or maintaining standards for Energy Star pursuant to section 324A, and WaterSense under this section, the Secretary and Administrator shall coordinate to prevent duplicative or conflicting requirements among the respective programs.

''(d) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) FEASIBLE.—The term 'feasible' means feasible with the use of the best technology, treatment techniques, and other means that the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(4) WATER-EFFICIENT PRODUCT, BUILDING, LANDSCAPE, PROCESS, OR SERVICE.—The term 'water-efficient product, building, landscape, process, or service' means a product, building, landscape, process, or service for a residence or a commercial or institutional building, or its landscape, that is rated for water efficiency and performance, the covered categories of which are—

''(A) irrigation technologies and services;

''(B) point-of-use water treatment devices;

''(C) plumbing products;

''(D) reuse and recycling technologies;

''(E) landscaping and gardening products, including moisture control or water enhancing technologies;

''(F) xeriscaping and other landscape conversions that reduce water use; and

''(G) new water efficient homes certified under the WaterSense program.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act (Public Law 94–163; 42 U.S.C. 6201 et seq.) is amended by inserting after the item relating to section 324A the following new item:

''Sec. 324B. WaterSense.''.

Subtitle B—Accountability

CHAPTER 1—MARKET MANIPULATION, ENFORCEMENT, AND COMPLIANCE

SEC. 4211. FERC OFFICE OF COMPLIANCE ASSISTANCE AND PUBLIC PARTICIPATION.

Section 319 of the Federal Power Act (16 U.S.C. 825q–1) is amended to read as follows:

''SEC. 319. OFFICE OF COMPLIANCE ASSISTANCE AND PUBLIC PARTICIPATION.

''(a) ESTABLISHMENT.—There is established within the Commission an Office of Compliance Assistance and Public Participation (referred to in this section as the 'Office'). The Office shall be headed by a Director.

''(b) DUTIES OF DIRECTOR.—

''(1) IN GENERAL.—The Director of the Office shall promote improved compliance with Commission rules and orders by—

''(A) making recommendations to the Commission regarding—

''(i) the protection of consumers;

''(ii) market integrity and support for the development of responsible market behavior;

''(iii) the application of Commission rules and orders in a manner that ensures that—

''(I) rates and charges for, or in connection with, the transmission or sale of electric energy subject to the jurisdiction of the Commission shall be just and reasonable and not unduly discriminatory or preferential; and

''(II) markets for such transmission and sale of electric energy are not impaired and consumers are not damaged; and

''(iv) the impact of existing and proposed Commission rules and orders on small entities, as defined in section 601 of title 5, United States Code (commonly known as the Regulatory Flexibility Act);

''(B) providing entities subject to regulation by the Commission the opportunity to obtain timely guidance for compliance with Commission rules and orders; and

''(C) providing information to the Commission and Congress to inform policy with respect to energy issues under the jurisdiction of the Commission.

''(2) REPORTS AND GUIDANCE.—The Director shall, as the Director determines appropriate, issue reports and guidance to the Commission and to entities subject to regulation by the Commission, regarding market practices, proposing improvements in Commission monitoring of market practices, and addressing potential improvements to both industry and Commission practices.

''(3) OUTREACH.—The Director shall promote improved compliance with Commission rules and orders through outreach, publications, and, where appropriate, direct communication with entities regulated by the Commission.''.

CHAPTER 2—MARKET REFORMS

SEC. 4221. GAO STUDY ON WHOLESALE ELECTRICITY MARKETS.

(a) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of a study of whether and how the current market rules, practices, and structures of each regional transmission entity produce rates that are just and reasonable by—

(1) facilitating fuel diversity, the availability of generation resources during emergency and severe weather conditions, resource adequacy, and reliability, including the cost-effective retention and development of needed generation;

(2) promoting the equitable treatment of business models, including different utility types, the integration of diverse generation resources, and advanced grid technologies;

(3) identifying and addressing regulatory barriers to entry, market-distorting incentives, and artificial constraints on competition;

(4) providing transparency regarding dispatch decisions, including the need for out-of-market actions and payments, and the accuracy of day-ahead unit commitments;

(5) facilitating the development of necessary natural gas pipeline and electric transmission infrastructure;

(6) ensuring fairness and transparency in governance structures and stakeholder processes, including meaningful participation by both voting and nonvoting stakeholder representatives;

(7) ensuring the proper alignment of the energy and transmission markets by including both energy and financial transmission rights in the day-ahead markets;

(8) facilitating the ability of load-serving entities to self-supply their service territory load;

(9) considering, as appropriate, State and local resource planning; and

(10) mitigating, to the extent practicable, the disruptive effects of tariff revisions on the economic decisionmaking of market participants.

(b) DEFINITIONS.—In this section:

(1) LOAD-SERVING ENTITY.—The term ''load-serving entity'' has the meaning given that term in section 217 of the Federal Power Act (16 U.S.C. 824q).

(2) REGIONAL TRANSMISSION ENTITY.—The term ''regional transmission entity'' means a Regional Transmission Organization or an Independent System Operator, as such terms are defined in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 4222. CLARIFICATION OF FACILITY MERGER AUTHORIZATION.

Section 203(a)(1)(B) of the Federal Power Act (16 U.S.C. 824b(a)(1)(B)) is amended by striking ''such facilities or any part thereof'' and inserting ''such facilities, or any part thereof, of a value in excess of $10,000,000''.

CHAPTER 3—CODE MAINTENANCE

SEC. 4231. REPEAL OF OFF-HIGHWAY MOTOR VEHICLES STUDY.

(a) REPEAL.—Part I of title III of the Energy Policy and Conservation Act (42 U.S.C. 6373) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act (Public Law 94–163; 89 Stat. 871) is amended—

(1) by striking the item relating to part I of title III; and

(2) by striking the item relating to section 385.

SEC. 4232. REPEAL OF METHANOL STUDY.

Section 400EE of the Energy Policy and Conservation Act (42 U.S.C. 6374d) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 4233. REPEAL OF RESIDENTIAL ENERGY EFFICIENCY STANDARDS STUDY.

(a) REPEAL.—Section 253 of the National Energy Conservation Policy Act (42 U.S.C. 8232) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended by striking the item relating to section 253.

SEC. 4234. REPEAL OF WEATHERIZATION STUDY.

(a) REPEAL.—Section 254 of the National Energy Conservation Policy Act (42 U.S.C. 8233) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended by striking the item relating to section 254.

SEC. 4235. REPEAL OF REPORT TO CONGRESS.

(a) REPEAL.—Section 273 of the National Energy Conservation Policy Act (42 U.S.C. 8236b) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended by striking the item relating to section 273.

SEC. 4236. REPEAL OF REPORT BY GENERAL SERVICES ADMINISTRATION.

(a) REPEAL.—Section 154 of the Energy Policy Act of 1992 (42 U.S.C. 8262a) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 154.

(2) Section 159 of the Energy Policy Act of 1992 (42 U.S.C. 8262e) is amended by striking subsection (c).

SEC. 4237. REPEAL OF INTERGOVERNMENTAL ENERGY MANAGEMENT PLANNING AND COORDINATION WORKSHOPS.

(a) REPEAL.—Section 156 of the Energy Policy Act of 1992 (42 U.S.C. 8262b) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 156.

SEC. 4238. REPEAL OF INSPECTOR GENERAL AUDIT SURVEY AND PRESIDENT'S COUNCIL ON INTEGRITY AND EFFICIENCY REPORT TO CONGRESS.

(a) REPEAL.—Section 160 of the Energy Policy Act of 1992 (42 U.S.C. 8262f) is amended by striking the section designation and heading and all that follows through ''(c) INSPECTOR GENERAL REVIEW.—Each Inspector General'' and inserting the following:

''SEC. 160. INSPECTOR GENERAL REVIEW.

''Each Inspector General''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 160 and inserting the following:

''Sec. 160. Inspector General review.''.

SEC. 4239. REPEAL OF PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS PROGRAM.

(a) REPEAL.—Section 161 of the Energy Policy Act of 1992 (42 U.S.C. 8262g) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 161.

SEC. 4240. REPEAL OF NATIONAL ACTION PLAN FOR DEMAND RESPONSE.

(a) REPEAL.—Part 5 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8279) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206; 121 Stat. 1665) is amended—

(1) by striking the item relating to part 5 of title V; and

(2) by striking the item relating to section 571.

SEC. 4241. REPEAL OF NATIONAL COAL POLICY STUDY.

(a) REPEAL.—Section 741 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8451) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 741.

SEC. 4242. REPEAL OF STUDY ON COMPLIANCE PROBLEM OF SMALL ELECTRIC UTILITY SYSTEMS.

(a) REPEAL.—Section 744 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8454) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 744.

SEC. 4243. REPEAL OF STUDY OF SOCIO-ECONOMIC IMPACTS OF INCREASED COAL PRODUCTION AND OTHER ENERGY DEVELOPMENT.

(a) REPEAL.—Section 746 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8456) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 746.

SEC. 4244. REPEAL OF STUDY OF THE USE OF PETROLEUM AND NATURAL GAS IN COMBUSTORS.

(a) REPEAL.—Section 747 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8457) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 747.

SEC. 4245. REPEAL OF SUBMISSION OF REPORTS.

(a) REPEAL.—Section 807 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8483) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 807.

SEC. 4246. REPEAL OF ELECTRIC UTILITY CONSERVATION PLAN.

(a) REPEAL.—Section 808 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8484) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 808.

(2) REPORT ON IMPLEMENTATION.—Section 712 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8422) is amended—

(A) by striking ''(a) GENERALLY.—''; and

(B) by striking subsection (b).

SEC. 4247. TECHNICAL AMENDMENT TO POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978.

The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 742.

SEC. 4248. EMERGENCY ENERGY CONSERVATION REPEALS.

(a) REPEALS.—

(1) Section 201 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8501) is amended—

(A) in the section heading, by striking ''**FINDINGS AND**'';

(B) by striking subsection (a); and

(C) by striking ''(b) PURPOSES.—''.

(2) Section 221 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8521) is repealed.

(3) Section 222 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8522) is repealed.

(4) Section 241 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8531) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Emergency Energy Conservation Act of 1979 (Public Law 96–102; 93 Stat. 749) is amended—

(1) by striking the item relating to section 201 and inserting the following:

''Sec. 201. Purposes.''; and

(2) by striking the items relating to sections 221, 222, and 241.

SEC. 4249. REPEAL OF STATE UTILITY REGULATORY ASSISTANCE.

(a) REPEAL.—Section 207 of the Energy Conservation and Production Act (42 U.S.C. 6807) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Conservation and Production Act (Public Law 94–385; 90 Stat. 1125) is amended by striking the item relating to section 207.

SEC. 4250. REPEAL OF SURVEY OF ENERGY SAVING POTENTIAL.

(a) REPEAL.—Section 550 of the National Energy Conservation Policy Act (42 U.S.C. 8258b) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206; 106 Stat. 2851) is amended by striking the item relating to section 550.

(2) Section 543(d)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(d)(2)) is amended by striking '', incorporating any relevant information obtained from the survey conducted pursuant to section 550''.

SEC. 4251. REPEAL OF PHOTOVOLTAIC ENERGY PROGRAM.

(a) REPEAL.—Part 4 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8271 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended—

(1) by striking the item relating to part 4 of title V; and

(2) by striking the items relating to sections 561 through 570.

SEC. 4252. REPEAL OF ENERGY AUDITOR TRAINING AND CERTIFICATION.

(a) REPEAL.—Subtitle F of title V of the Energy Security Act (42 U.S.C. 8285 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Security Act (Public Law 96–294; 94 Stat. 611) is amended by striking the items relating to subtitle F of title V.

CHAPTER 4—USE OF EXISTING FUNDS

SEC. 4261. USE OF EXISTING FUNDS.

Amounts required for carrying out this Act, other than section 1201, shall be derived from amounts appropriated under authority provided by previously enacted law.

TITLE V—NATIONAL ENERGY SECURITY CORRIDORS

SEC. 5001. SHORT TITLE.

This title may be cited as the ''National Energy Security Corridors Act''.

SEC. 5002. DESIGNATION OF NATIONAL ENERGY SECURITY CORRIDORS ON FEDERAL LANDS.

(a) IN GENERAL.—Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended as follows:

(1) In subsection (b)—

(A) by striking ''(b)(1) For the purposes of this section 'Federal lands' means'' and inserting the following:

''(b)(1) For the purposes of this section 'Federal lands'—

''(A) except as provided in subparagraph (B), means'';

(B) by striking the period at the end of paragraph (1) and inserting ''; and'' and by adding at the end of paragraph (1) the following:

''(B) for purposes of granting an application for a natural gas pipeline right-of-way, means all lands owned by the United States except—

''(i) such lands held in trust for an Indian or Indian tribe; and

''(ii) lands on the Outer Continental Shelf.''.

(2) By redesignating subsection (b), as so amended, as subsection (z), and transferring such subsection to appear after subsection (y) of that section.

(3) By inserting after subsection (a) the following:

''(b) NATIONAL ENERGY SECURITY CORRIDORS.—

''(1) DESIGNATION.—In addition to other authorities under this section, the Secretary shall—

''(A) identify and designate suitable Federal lands as National Energy Security Corridors (in this subsection referred to as a 'Corridor'), which shall be used for construction, operation, and maintenance of natural gas transmission facilities; and

''(B) incorporate such Corridors upon designation into the relevant agency land use and resource management plans or equivalent plans.

''(2) CONSIDERATIONS.—In evaluating Federal lands for designation as a National Energy Security Corridor, the Secretary shall—

''(A) employ the principle of multiple use to ensure route decisions balance national energy security needs with existing land use principles;

''(B) seek input from other Federal counterparts, State, local, and tribal governments, and affected utility and pipeline industries to determine the best suitable, most cost-effective, and commercially viable acreage for natural gas transmission facilities;

''(C) focus on transmission routes that improve domestic energy security through increasing reliability, relieving congestion, reducing natural gas prices, and meeting growing demand for natural gas; and

''(D) take into account technological innovations that reduce the need for surface disturbance.

''(3) PROCEDURES.—The Secretary shall establish procedures to expedite and approve applications for rights-of-way for natural gas pipelines across National Energy Security Corridors, that—

''(A) ensure a transparent process for review of applications for rights-of-way on such corridors;

''(B) require an approval time of not more than 1 year after the date of receipt of an application for a right-of-way; and

''(C) require, upon receipt of such an application, notice to the applicant of a predictable timeline for consideration of the application, that clearly delineates important milestones in the process of such consideration.

''(4) STATE INPUT.—

''(A) REQUESTS AUTHORIZED.—The Governor of a State may submit requests to the Secretary of the Interior to designate Corridors on Federal land in that State.

''(B) CONSIDERATION OF REQUESTS.—After receiving such a request, the Secretary shall respond in writing, within 30 days—

''(i) acknowledging receipt of the request; and

''(ii) setting forth a timeline in which the Secretary shall grant, deny, or modify such request and state the reasons for doing so.

''(5) SPATIAL DISTRIBUTION OF CORRIDORS.—In implementing this subsection, the Secretary shall coordinate with other Federal Departments to—

''(A) minimize the proliferation of duplicative natural gas pipeline rights-of-way on Federal lands where feasible;

''(B) ensure Corridors can connect effectively across Federal lands; and

''(C) utilize input from utility and pipeline industries submitting applications for rights-of-way to site corridors in economically feasible areas that reduce impacts, to the extent practicable, on local communities.

''(6) NOT A MAJOR FEDERAL ACTION.—Designation of a Corridor under this subsection, and incorporation of Corridors into agency plans under paragraph (1)(B), shall not be treated as a major Federal action for purpose of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

''(7) NO LIMIT ON NUMBER OR LENGTH OF CORRIDORS.—Nothing in this subsection limits the number or physical dimensions of Corridors that the Secretary may designate under this subsection.

''(8) OTHER AUTHORITY NOT AFFECTED.—Nothing in this subsection affects the authority of the Secretary to issue rights-of-way on Federal land that is not located in a Corridor designated under this subsection.

''(9) NEPA CLARIFICATION.—All applications for rights-of-way for natural gas transmission facilities across Corridors designated under this subsection shall be subject to the environmental protections outlined in subsection (h).''.

(b) APPLICATIONS RECEIVED BEFORE DESIGNATION OF CORRIDORS.—Any application for a right-of-way under section 28 of the Mineral Leasing Act (30 U.S.C. 185) that is received by the Secretary of the Interior before designation of National Energy Security Corridors under the amendment made by subsection (a) of this section shall be reviewed and acted upon independently by the Secretary without regard to the process for such designation.

(c) DEADLINE.—Within 2 years after the date of the enactment of this Act, the Secretary of the Interior shall designate at least 10 National Energy Security Corridors under the amendment made by subsection (a) in contiguous States referred to in section 368(b) of the Energy Policy Act of 2005 (42 U.S.C. 15926(b)).

SEC. 5003. NOTIFICATION REQUIREMENT.

The Secretary of the Interior shall promptly notify the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of each instance in which any agency or official of the Department of the Interior fails to comply with any schedule established under section 15(c) of the Natural Gas Act (15 U.S.C. 717n(c)).

TITLE VI—ELECTRICITY RELIABILITY AND FOREST PROTECTION

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Electricity Reliability and Forest Protection Act''.

SEC. 6002. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE ON FEDERAL LANDS CONTAINING ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES.

(a) IN GENERAL.—Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) is amended by adding at the end the following new section:

''SEC. 512. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION, AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITY RIGHTS-OF-WAY.

''(a) GENERAL DIRECTION.—In order to enhance the reliability of the electricity grid and reduce the threat of wildfires to and from electric transmission and distribution rights-of-way and related facilities and adjacent property, the Secretary, with respect to public lands and other lands under the jurisdiction of the Secretary, and the Secretary of Agriculture, with respect to National Forest System lands, shall provide direction to ensure that all existing and future rights-of-way, however established (including by grant, special use authorization, and easement), for electrical transmission and distribution facilities on such lands include provisions for utility vegetation management, facility inspection, and operation and maintenance activities that, while consistent with applicable law—

''(1) are developed in consultation with the holder of the right-of-way;

''(2) enable the owner or operator of a facility to operate and maintain the facility in good working order and to comply with Federal, State and local electric system reliability and fire safety requirements, including reliability standards established by the North American Electric Reliability Corporation and plans to meet such reliability standards;

''(3) minimize the need for case-by-case or annual approvals for—

''(A) routine vegetation management, facility inspection, and operation and maintenance activities within existing electrical transmission and distribution rights-of-way; and

''(B) utility vegetation management activities that are necessary to control hazard trees within or adjacent to electrical transmission and distribution rights-of-way; and

''(4) when review is required, provide for expedited review and approval of utility vegetation management, facility inspection, and operation and maintenance activities, especially activities requiring prompt action to avoid an adverse impact on human safety or electric reliability to avoid fire hazards.

''(b) VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—

''(1) DEVELOPMENT AND SUBMISSION.—Consistent with subsection (a), the Secretary and the Secretary of Agriculture shall provide owners and operators of electric transmission and distribution facilities located on lands described in such subsection with the option to develop and submit a vegetation management, facility inspection, and operation and maintenance plan, that at each owner or operator's transmission discretion may cover some or all of the owner or operator's transmission and distribution rights-of-way on Federal lands, for approval to the Secretary with jurisdiction over the lands. A plan under this paragraph shall enable the owner or operator of a facility, at a minimum, to comply with applicable Federal, State, and local electric system reliability and fire safety requirements, as provided in subsection (a)(2). The Secretaries shall not have the authority to modify those requirements.

''(2) REVIEW AND APPROVAL PROCESS.—The Secretary and the Secretary of Agriculture shall jointly develop a consolidated and coordinated process for review and approval of—

''(A) vegetation management, facility inspection, and operation and maintenance plans submitted under paragraph (1) that—

''(i) assures prompt review and approval not to exceed 90 days;

''(ii) includes timelines and benchmarks for agency comments to submitted plans and final approval of such plans;

''(iii) is consistent with applicable law; and

''(iv) minimizes the costs of the process to the reviewing agency and the entity submitting the plans; and

''(B) amendments to the plans in a prompt manner if changed conditions necessitate a modification to a plan.

''(3) NOTIFICATION.—The review and approval process under paragraph (2) shall—

''(A) include notification by the agency of any changed conditions that warrant a modification to a plan;

''(B) provide an opportunity for the owner or operator to submit a proposed plan amendment to address directly the changed condition; and

''(C) allow the owner or operator to continue to implement those elements of the approved plan that do not directly and adversely affect the condition precipitating the need for modification.

''(4) CATEGORICAL EXCLUSION PROCESS.—The Secretary and the Secretary of Agriculture shall apply his or her categorical exclusion process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to plans developed under this subsection on existing transmission and distribution rights-of-way under this subsection.

''(5) IMPLEMENTATION.—A plan approved under this subsection shall become part of the authorization governing the covered right-of-way and hazard trees adjacent to the right-of-way. If a vegetation management plan is proposed for an existing transmission and distribution facility concurrent with the siting of a new transmission or distribution facility, necessary reviews shall be completed as part of the siting process or sooner. Once the plan is approved, the owner or operator shall provide the agency with only a notification of activities anticipated to be undertaken in the coming year, a description of those activities, and certification that the activities are in accordance with the plan.

''(6) DEFINITIONS.—In this subsection:

''(A) VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLAN.—The term 'vegetation management, facility inspection, and operation and maintenance plan' means a plan that—

''(i) is prepared by the owner or operator of one or more electrical transmission or distribution facilities to cover one or more electric transmission and distribution rights-of-way; and

''(ii) provides for the long-term, cost-effective, efficient and timely management of facilities and vegetation within the width of the right-of-way and adjacent Federal lands to enhance electricity reliability, promote public safety, and avoid fire hazards.

''(B) OWNER OR OPERATOR.—The terms 'owner' and 'operator' include contractors or other agents engaged by the owner or operator of a facility.

''(C) HAZARD TREE.—The term 'hazard tree' means any tree inside the right-of-way or located outside the right-of-way that has been found by the either the owner or operator of a transmission or distribution facility, or the Secretary or the Secretary of Agriculture, to be likely to fail and cause a high risk of injury, damage, or disruption within 10 feet or less of an electric power line or related structure if it fell.

''(c) RESPONSE TO EMERGENCY CONDITIONS.—If vegetation on Federal lands within, or hazard trees on Federal lands adjacent to, an electrical transmission or distribution right-of-way granted by the Secretary or the Secretary of Agriculture has contacted or is in imminent danger of contacting one or more electric transmission or distribution lines, the owner or operator of the transmission or distribution lines—

''(1) may prune or remove the vegetation to avoid the disruption of electric service and risk of fire; and

''(2) shall notify the appropriate local agent of the relevant Secretary not later than 24 hours after such removal.

''(d) COMPLIANCE WITH APPLICABLE RELIABILITY AND SAFETY STANDARDS.—If vegetation on Federal lands within or adjacent to an electrical transmission or distribution right-of-way under the jurisdiction of each Secretary does not meet clearance requirements under standards established by the North American Electric Reliability Corporation, or by State and local authorities, and the Secretary having jurisdiction over the lands has failed to act to allow a transmission or distribution facility owner or operator to conduct vegetation management activities within 3 business days after receiving a request to allow such activities, the owner or operator may, after notifying the Secretary, conduct such vegetation management activities to meet those clearance requirements.

''(e) REPORTING REQUIREMENT.—The Secretary or Secretary of Agriculture shall report requests and actions made under subsections (c) and (d) annually on each Secretary's website.

''(f) LIABILITY.—An owner or operator of a transmission or distribution facility shall not be held liable for wildfire damage, loss or injury, including the cost of fire suppression, if—

''(1) the Secretary or the Secretary of Agriculture fails to allow the owner or operator to operate consistently with an approved vegetation management, facility inspection, and operation and maintenance plan on Federal lands under the relevant Secretary's jurisdiction within or adjacent to a right-of-way to comply with Federal, State or local electric system reliability and fire safety standards, including standards established by the North American Electric Reliability Corporation; or

''(2) the Secretary or the Secretary of Agriculture fails to allow the owner or operator of the transmission or distribution facility to perform appropriate vegetation management activities in response to an identified hazard tree as defined under subsection (b)(6), or a tree in imminent danger of contacting the owner's or operator's transmission or distribution facility.

''(g) TRAINING AND GUIDANCE.—In consultation with the electric utility industry, the Secretary and the Secretary of Agriculture are encouraged to develop a program to train personnel of the Department of the Interior and the Forest Service involved in vegetation management decisions relating to transmission and distribution facilities to ensure that such personnel—

''(1) understand electric system reliability and fire safety requirements, including reliability standards established by the North American Electric Reliability Corporation;

''(2) assist owners and operators of transmission and distribution facilities to comply with applicable electric reliability and fire safety requirements; and

''(3) encourage and assist willing owners and operators of transmission and distribution facilities to incorporate on a voluntary basis vegetation management practices to enhance habitats and forage for pollinators and for other wildlife so long as the practices are compatible with the integrated vegetation management practices necessary for reliability and safety.

''(h) IMPLEMENTATION.—The Secretary of the Interior and the Secretary of Agriculture shall—

''(1) not later than one year after the date of the enactment of this section, prescribe regulations, or amend existing regulations, to implement this section; and

''(2) not later than two years after the date of the enactment of this section, finalize regulations, or amend existing regulations, to implement this section.

''(i) EXISTING VEGETATION MANAGEMENT, FACILITY INSPECTION AND OPERATION AND MAINTENANCE PLANS.—Nothing in this section requires an owner or operator to develop and submit a vegetation management, facility inspection, and operation and maintenance plan if one has already been approved by the Secretary or Secretary of Agriculture before the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.), is amended by inserting after the item relating to section 511 the following new item:

''Sec. 512. Vegetation management, facility inspection, and operation, and maintenance relating to electric transmission and distribution facility rights-of-way.''.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 114–359. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. UPTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114–359.

Mr. UPTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amend the table of contents to read as follows:

Sec. 1. Short title; table of contents.

TITLE I—MODERNIZING AND PROTECTING INFRASTRUCTURE

Subtitle A—Energy Delivery, Reliability, and Security

Sec. 1101. FERC process coordination.
Sec. 1102. Resolving environmental and grid reliability conflicts.
Sec. 1103. Emergency preparedness for energy supply disruptions.
Sec. 1104. Critical electric infrastructure security.
Sec. 1105. Strategic Transformer Reserve.
Sec. 1106. Cyber Sense.
Sec. 1107. State coverage and consideration of PURPA standards for electric utilities.
Sec. 1108. Reliability analysis for certain rules that affect electric generating facilities.
Sec. 1109. Increased accountability with respect to carbon capture, utilization, and sequestration projects.
Sec. 1110. Reliability and performance assurance in Regional Transmission Organizations.
Sec. 1111. Designation of National Energy Security Corridors on Federal lands.
Sec. 1112. Vegetation management, facility inspection, and operation and maintenance on Federal lands containing electric transmission and distribution facilities.

Subtitle B—Hydropower Regulatory Modernization

Sec. 1201. Protection of private property rights in hydropower licensing.
Sec. 1202. Extension of time for FERC project involving W. Kerr Scott Dam.
Sec. 1203. Hydropower licensing and process improvements.
Sec. 1204. Judicial review of delayed Federal authorizations.
Sec. 1205. Licensing study improvements.
Sec. 1206. Closed-loop pumped storage projects.
Sec. 1207. License amendment improvements.
Sec. 1208. Promoting hydropower development at existing nonpowered dams.

TITLE II—ENERGY SECURITY AND DIPLOMACY

Sec. 2001. Sense of Congress.
Sec. 2002. Energy security valuation.
Sec. 2003. North American energy security plan.
Sec. 2004. Collective energy security.
Sec. 2005. Authorization to export natural gas.

TITLE III—ENERGY EFFICIENCY AND ACCOUNTABILITY

Subtitle A—Energy Efficiency

CHAPTER 1—FEDERAL AGENCY ENERGY EFFICIENCY

Sec. 3111. Energy-efficient and energy-saving information technologies.
Sec. 3112. Energy efficient data centers.
Sec. 3113. Report on energy and water savings potential from thermal insulation.
Sec. 3114. Federal purchase requirement.
Sec. 3115. Energy performance requirement for Federal buildings.
Sec. 3116. Federal building energy efficiency performance standards; certification system and level for Federal buildings.
Sec. 3117. Operation of battery recharging stations in parking areas used by Federal employees.

CHAPTER 2—ENERGY EFFICIENT TECHNOLOGY AND MANUFACTURING

Sec. 3121. Inclusion of Smart Grid capability on Energy Guide labels.
Sec. 3122. Voluntary verification programs for air conditioning, furnace, boiler, heat pump, and water heater products.
Sec. 3123. Facilitating consensus furnace standards.
Sec. 3124. No warranty for certain certified Energy Star products.
Sec. 3125. Clarification to effective date for regional standards.
Sec. 3126. Internet of Things report.

CHAPTER 3—SCHOOL BUILDINGS

Sec. 3131. Coordination of energy retrofitting assistance for schools.

CHAPTER 4—BUILDING ENERGY CODES

Sec. 3141. Greater energy efficiency in building codes.
Sec. 3142. Voluntary nature of building asset rating program.

CHAPTER 5—EPCA TECHNICAL CORRECTIONS AND CLARIFICATIONS

Sec. 3151. Modifying product definitions.
Sec. 3152. Clarifying rulemaking procedures.

CHAPTER 6—ENERGY AND WATER EFFICIENCY

Sec. 3161. Smart energy and water efficiency pilot program.
Sec. 3162. WaterSense.

Subtitle B—Accountability

CHAPTER 1—MARKET MANIPULATION, ENFORCEMENT, AND COMPLIANCE

Sec. 3211. FERC Office of Compliance Assistance and Public Participation.

CHAPTER 2—MARKET REFORMS

Sec. 3221. GAO study on wholesale electricity markets.
Sec. 3222. Clarification of facility merger authorization.

CHAPTER 3—CODE MAINTENANCE

Sec. 3231. Repeal of off-highway motor vehicles study.
Sec. 3232. Repeal of methanol study.
Sec. 3233. Repeal of residential energy efficiency standards study.
Sec. 3234. Repeal of weatherization study.
Sec. 3235. Repeal of report to Congress.
Sec. 3236. Repeal of report by General Services Administration.
Sec. 3237. Repeal of intergovernmental energy management planning and coordination workshops.
Sec. 3238. Repeal of Inspector General audit survey and President's Council on Integrity and Efficiency report to Congress.
Sec. 3239. Repeal of procurement and identification of energy efficient products program.
Sec. 3240. Repeal of national action plan for demand response.
Sec. 3241. Repeal of national coal policy study.
Sec. 3242. Repeal of study on compliance problem of small electric utility systems.
Sec. 3243. Repeal of study of socioeconomic impacts of increased coal production and other energy development.
Sec. 3244. Repeal of study of the use of petroleum and natural gas in combustors.
Sec. 3245. Repeal of submission of reports.
Sec. 3246. Repeal of electric utility conservation plan.
Sec. 3247. Technical amendment to Powerplant and Industrial Fuel Use Act of 1978.
Sec. 3248. Emergency energy conservation repeals.
Sec. 3249. Repeal of State utility regulatory assistance.
Sec. 3250. Repeal of survey of energy saving potential.
Sec. 3251. Repeal of photovoltaic energy program.
Sec. 3252. Repeal of energy auditor training and certification.

CHAPTER 4—USE OF EXISTING FUNDS

Sec. 3261. Use of existing funds.

Page 25, strike lines 1 though 11 and insert the following:

''(7) DISCLOSURE OF PROTECTED INFORMATION.—In implementing this section, the Commission shall segregate critical electric infrastructure information or information that reasonably could be expected to lead to the disclosure of the critical electric infrastructure information within documents and electronic communications, wherever feasible, to facilitate disclosure of information that is not designated as critical electric infrastructure information.

Beginning on page 36, strike line 21 and all that follows through page 37, line 3 and insert the following:

(e) DISCLOSURE OF INFORMATION.—Any information included in the Strategic Transformer Reserve plan, or shared in the preparation and development of such plan, the disclosure of which the agency reasonably foresees would cause harm to critical electric infrastructure, shall be deemed to be critical electric infrastructure information for purposes of section 215A(d) of the Federal Power Act.

Beginning on page 38, strike line 20 and all that follows through page 39, line 2 and insert the following:

(c) DISCLOSURE OF INFORMATION.—Any vulnerability reported pursuant to regulations promulgated under subsection (b)(3), the disclosure of which the agency reasonably foresees would cause harm to critical electric infrastructure (as defined in section 215A of the Federal Power Act), shall be deemed to be critical electric infrastructure information for purposes of section 215A(d) of the Federal Power Act.

Amend section 1109 to read as follows:

SEC. 1109. INCREASED ACCOUNTABILITY WITH RESPECT TO CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION PROJECTS.

(a) DOE EVALUATION.—

(1) IN GENERAL.—The Secretary of Energy (in this section referred to as the ''Secretary'') shall, in accordance with this section, annually conduct an evaluation, and make recommendations, with respect to each project conducted by the Secretary for research, development, demonstration, or deployment of carbon capture, utilization, and sequestration technologies (also known as carbon capture and storage and utilization technologies).

(2) SCOPE.—For purposes of this section, a project includes any contract, lease, cooperative agreement, or other similar transaction with a public agency or private organization or person, entered into or performed, or any payment made, by the Secretary for research, development, demonstration, or deployment of carbon capture, utilization, and sequestration technologies.

(b) REQUIREMENTS FOR EVALUATION.—In conducting an evaluation of a project under this section, the Secretary shall—

(1) examine if the project has made advancements toward achieving any specific goal of the project with respect to a carbon capture, utilization, and sequestration technology; and

(2) evaluate and determine if the project has made significant progress in advancing a carbon capture, utilization, and sequestration technology.

(c) RECOMMENDATIONS.—For each evaluation of a project conducted under this section, if the Secretary determines that—

(1) significant progress in advancing a carbon capture, utilization, and sequestration technology has been made, the Secretary shall assess the funding of the project and make a recommendation as to whether increased funding is necessary to advance the project; or

(2) significant progress in advancing a carbon capture, utilization, and sequestration technology has not been made, the Secretary shall—

(A) assess the funding of the project and make a recommendation as to whether increased funding is necessary to advance the project;

(B) assess and determine if the project has reached its full potential; and

(C) make a recommendation as to whether the project should continue.

(d) REPORTS.—

(1) REPORT ON EVALUATIONS AND RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall—

(A) issue a report on the evaluations conducted and recommendations made during the previous year pursuant to this section; and

(B) make each such report available on the Internet website of the Department of Energy.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 3 years thereafter, the Secretary shall submit to the Subcommittee on Energy and Power of the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(A) the evaluations conducted and recommendations made during the previous 3 years pursuant to this section; and

(B) the progress of the Department of Energy in advancing carbon capture, utilization, and sequestration technologies, including progress in achieving the Department of Energy's goal of having an array of advanced carbon capture and sequestration technologies ready by 2020 for large-scale demonstration.

Insert after section 1110 the following:

SEC. 1111. DESIGNATION OF NATIONAL ENERGY SECURITY CORRIDORS ON FEDERAL LANDS.

(a) IN GENERAL.—Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended as follows:

(1) In subsection (b)—

(A) by striking ''(b)(1) For the purposes of this section 'Federal lands' means'' and inserting the following:

''(b)(1) For the purposes of this section 'Federal lands'—

''(A) except as provided in subparagraph (B), means'';

(B) by striking the period at the end of paragraph (1) and inserting ''; and'' and by adding at the end of paragraph (1) the following:

''(B) for purposes of granting an application for a natural gas pipeline right-of-way, means all lands owned by the United States except—

''(i) such lands held in trust for an Indian or Indian tribe; and

''(ii) lands on the Outer Continental Shelf.''.

(2) By redesignating subsection (b), as so amended, as subsection (z), and transferring such subsection to appear after subsection (y) of that section.

(3) By inserting after subsection (a) the following:

''(b) NATIONAL ENERGY SECURITY CORRIDORS.—

''(1) DESIGNATION.—In addition to other authorities under this section, the Secretary shall—

''(A) identify and designate suitable Federal lands as National Energy Security Corridors (in this subsection referred to as a 'Corridor'), which shall be used for construction, operation, and maintenance of natural gas transmission facilities; and

''(B) incorporate such Corridors upon designation into the relevant agency land use and resource management plans or equivalent plans.

''(2) CONSIDERATIONS.—In evaluating Federal lands for designation as a National Energy Security Corridor, the Secretary shall—

''(A) employ the principle of multiple use to ensure route decisions balance national energy security needs with existing land use principles;

''(B) seek input from other Federal counterparts, State, local, and tribal governments, and affected utility and pipeline industries to determine the best suitable, most cost-effective, and commercially viable acreage for natural gas transmission facilities;

''(C) focus on transmission routes that improve domestic energy security through increasing reliability, relieving congestion, reducing natural gas prices, and meeting growing demand for natural gas; and

''(D) take into account technological innovations that reduce the need for surface disturbance.

''(3) PROCEDURES.—The Secretary shall establish procedures to expedite and approve applications for rights-of-way for natural gas pipelines across National Energy Security Corridors, that—

''(A) ensure a transparent process for review of applications for rights-of-way on such corridors;

''(B) require an approval time of not more than 1 year after the date of receipt of an application for a right-of-way; and

''(C) require, upon receipt of such an application, notice to the applicant of a predictable timeline for consideration of the application, that clearly delineates important milestones in the process of such consideration.

''(4) STATE INPUT.—

''(A) REQUESTS AUTHORIZED.—The Governor of a State may submit requests to the Secretary of the Interior to designate Corridors on Federal land in that State.

''(B) CONSIDERATION OF REQUESTS.—After receiving such a request, the Secretary shall respond in writing, within 30 days—

''(i) acknowledging receipt of the request; and

''(ii) setting forth a timeline in which the Secretary shall grant, deny, or modify such request and state the reasons for doing so.

''(5) SPATIAL DISTRIBUTION OF CORRIDORS.—In implementing this subsection, the Secretary shall coordinate with other Federal Departments to—

''(A) minimize the proliferation of duplicative natural gas pipeline rights-of-way on Federal lands where feasible;

''(B) ensure Corridors can connect effectively across Federal lands; and

''(C) utilize input from utility and pipeline industries submitting applications for rights-of-way to site corridors in economically feasible areas that reduce impacts, to the extent practicable, on local communities.

''(6) NOT A MAJOR FEDERAL ACTION.—Designation of a Corridor under this subsection, and incorporation of Corridors into agency plans under paragraph (1)(B), shall not be treated as a major Federal action for purpose of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

''(7) NO LIMIT ON NUMBER OR LENGTH OF CORRIDORS.—Nothing in this subsection limits the number or physical dimensions of Corridors that the Secretary may designate under this subsection.

''(8) OTHER AUTHORITY NOT AFFECTED.—Nothing in this subsection affects the authority of the Secretary to issue rights-of-way on Federal land that is not located in a Corridor designated under this subsection.

''(9) NEPA CLARIFICATION.—All applications for rights-of-way for natural gas transmission facilities across Corridors designated under this subsection shall be subject to the environmental protections outlined in subsection (h).''.

(b) APPLICATIONS RECEIVED BEFORE DESIGNATION OF CORRIDORS.—Any application for a right-of-way under section 28 of the Mineral Leasing Act (30 U.S.C. 185) that is received by the Secretary of the Interior before designation of National Energy Security Corridors under the amendment made by subsection (a) of this section shall be reviewed and acted upon independently by the Secretary without regard to the process for such designation.

(c) DEADLINE.—Within 2 years after the date of the enactment of this Act, the Secretary of the Interior shall designate at least 10 National Energy Security Corridors under the amendment made by subsection (a) in States referred to in section 368(b) of the Energy Policy Act of 2005 (42 U.S.C. 15926(b)).

SEC. 1112. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE ON FEDERAL LANDS CONTAINING ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES.

(a) IN GENERAL.—Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) is amended by adding at the end the following new section:

''SEC. 512. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITY RIGHTS-OF-WAY.

''(a) GENERAL DIRECTION.—In order to enhance the reliability of the electric grid and reduce the threat of wildfires to and from electric transmission and distribution rights-of-way and related facilities and adjacent property, the Secretary, with respect to public lands and other lands under the jurisdiction of the Secretary, and the Secretary of Agriculture, with respect to National Forest System lands, shall provide direction to ensure that all existing and future rights-of-way, however established (including by grant, special use authorization, and easement), for electric transmission and distribution facilities on such lands include provisions for utility vegetation management, facility inspection, and operation and maintenance activities that, while consistent with applicable law—

''(1) are developed in consultation with the holder of the right-of-way;

''(2) enable the owner or operator of an electric transmission and distribution facility to operate and maintain the facility in good working order and to comply with Federal, State, and local electric system reliability and fire safety requirements, including reliability standards established by the North American Electric Reliability Corporation and plans to meet such reliability standards;

''(3) minimize the need for case-by-case or annual approvals for—

''(A) routine vegetation management, facility inspection, and operation and maintenance activities within existing electric transmission and distribution rights-of-way; and

''(B) utility vegetation management activities that are necessary to control hazard trees within or adjacent to electric transmission and distribution rights-of-way; and

''(4) when review is required, provide for expedited review and approval of utility vegetation management, facility inspection, and operation and maintenance activities, especially activities requiring prompt action to avoid an adverse impact on human safety or electric reliability to avoid fire hazards.

''(b) VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—

''(1) DEVELOPMENT AND SUBMISSION.—Consistent with subsection (a), the Secretary and the Secretary of Agriculture shall provide owners and operators of electric transmission and distribution facilities located on lands described in such subsection with the option to develop and submit a vegetation management, facility inspection, and operation and maintenance plan, that at each owner or operator's discretion may cover some or all of the owner or operator's electric transmission and distribution rights-of-way on Federal lands, for approval to the Secretary with jurisdiction over the lands. A plan under this paragraph shall enable the owner or operator of an electric transmission and distribution facility, at a minimum, to comply with applicable Federal, State, and local electric system reliability and fire safety requirements, as provided in subsection (a)(2). The Secretaries shall not have the authority to modify those requirements.

''(2) REVIEW AND APPROVAL PROCESS.—The Secretary and the Secretary of Agriculture shall jointly develop a consolidated and coordinated process for review and approval of—

''(A) vegetation management, facility inspection, and operation and maintenance plans submitted under paragraph (1) that—

''(i) assures prompt review and approval not to exceed 90 days;

''(ii) includes timelines and benchmarks for agency comments on submitted plans and final approval of such plans;

''(iii) is consistent with applicable law; and

''(iv) minimizes the costs of the process to the reviewing agency and the entity submitting the plans; and

''(B) amendments to the plans in a prompt manner if changed conditions necessitate a modification to a plan.

''(3) NOTIFICATION.—The review and approval process under paragraph (2) shall—

''(A) include notification by the agency of any changed conditions that warrant a modification to a plan;

''(B) provide an opportunity for the owner or operator to submit a proposed plan amendment to address directly the changed condition; and

''(C) allow the owner or operator to continue to implement those elements of the approved plan that do not directly and adversely affect the condition precipitating the need for modification.

''(4) CATEGORICAL EXCLUSION PROCESS.—The Secretary and the Secretary of Agriculture shall apply his or her categorical exclusion process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to plans developed under this subsection on existing electric transmission and distribution rights-of-way under this subsection.

''(5) IMPLEMENTATION.—A plan approved under this subsection shall become part of the authorization governing the covered right-of-way and hazard trees adjacent to the right-of-way. If a vegetation management plan is proposed for an existing electric transmission and distribution facility concurrent with the siting of a new electric transmission or distribution facility, necessary reviews shall be completed as part of the siting process or sooner. Once the plan is approved, the owner or operator shall provide the agency with only a notification of activities anticipated to be undertaken in the coming year, a description of those activities, and certification that the activities are in accordance with the plan.

''(c) RESPONSE TO EMERGENCY CONDITIONS.—If vegetation on Federal lands within, or hazard trees on Federal lands adjacent to, an electric transmission or distribution right-of-way granted by the Secretary or the Secretary of Agriculture has contacted or is in imminent danger of contacting one or more electric transmission or distribution lines, the owner or operator of the electric transmission or distribution lines—

''(1) may prune or remove the vegetation to avoid the disruption of electric service and risk of fire; and

''(2) shall notify the appropriate local agent of the relevant Secretary not later than 24 hours after such removal.

''(d) COMPLIANCE WITH APPLICABLE RELIABILITY AND SAFETY STANDARDS.—If vegetation on Federal lands within or adjacent to an electric transmission or distribution right-of-way under the jurisdiction of each Secretary does not meet clearance requirements under standards established by the North American Electric Reliability Corporation, or by State and local authorities, and the Secretary having jurisdiction over the lands has failed to act to allow an electric transmission or distribution facility owner or operator to conduct vegetation management activities within 3 business days after receiving a request to allow such activities, the owner or operator may, after notifying the Secretary, conduct such vegetation management activities to meet those clearance requirements.

''(e) REPORTING REQUIREMENT.—The Secretary or Secretary of Agriculture shall report requests and actions made under subsections (c) and (d) annually on each Secretary's website.

''(f) LIABILITY.—An owner or operator of an electric transmission or distribution facility shall not be held liable for wildfire damage, loss, or injury, including the cost of fire suppression, if—

''(1) the Secretary or the Secretary of Agriculture fails to allow the owner or operator to operate consistently with an approved vegetation management, facility inspection, and operation and maintenance plan on Federal lands under the relevant Secretary's jurisdiction within or adjacent to a right-of-way to comply with Federal, State, or local electric system reliability and fire safety standards, including standards established by the North American Electric Reliability Corporation; or

''(2) the Secretary or the Secretary of Agriculture fails to allow the owner or operator of the electric transmission or distribution facility to perform appropriate vegetation management activities in response to an identified hazard tree, or a tree in imminent danger of contacting the owner's or operator's electric transmission or distribution facility.

''(g) TRAINING AND GUIDANCE.—In consultation with the electric utility industry, the Secretary and the Secretary of Agriculture are encouraged to develop a program to train personnel of the Department of the Interior and the Forest Service involved in vegetation management decisions relating to electric transmission and distribution facilities to ensure that such personnel—

''(1) understand electric system reliability and fire safety requirements, including reliability standards established by the North American Electric Reliability Corporation;

''(2) assist owners and operators of electric transmission and distribution facilities to comply with applicable electric reliability and fire safety requirements; and

''(3) encourage and assist willing owners and operators of electric transmission and distribution facilities to incorporate on a voluntary basis vegetation management practices to enhance habitats and forage for pollinators and for other wildlife so long as the practices are compatible with the integrated vegetation management practices necessary for reliability and safety.

''(h) IMPLEMENTATION.—The Secretary and the Secretary of Agriculture shall—

''(1) not later than one year after the date of the enactment of this section, propose regulations, or amended existing regulations, to implement this section; and

''(2) not later than two years after the date of the enactment of this section, finalize regulations, or amended existing regulations, to implement this section.

''(i) EXISTING VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—Nothing in this section requires an owner or operator to develop and submit a vegetation management, facility inspection, and operation and maintenance plan if one has already been approved by the Secretary or Secretary of Agriculture before the date of the enactment of this section.

''(j) DEFINITIONS.—In this section:

''(1) HAZARD TREE.—The term 'hazard tree' means any tree inside the right-of-way or located outside the right-of-way that has been found by the either the owner or operator of an electric transmission or distribution facility, or the Secretary or the Secretary of Agriculture, to be likely to fail and cause a high risk of injury, damage, or disruption within 10 feet of an electric power line or related structure if it fell.

''(2) OWNER OR OPERATOR.—The terms 'owner' and 'operator' include contractors or other agents engaged by the owner or operator of an electric transmission and distribution facility.

''(3) VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLAN.—The term 'vegetation management, facility inspection, and operation and maintenance plan' means a plan that—

''(A) is prepared by the owner or operator of one or more electric transmission or distribution facilities to cover one or more electric transmission and distribution rights-of-way; and

''(B) provides for the long-term, cost-effective, efficient, and timely management of facilities and vegetation within the width of the right-of-way and adjacent Federal lands to enhance electric reliability, promote public safety, and avoid fire hazards.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.), is amended by inserting after the item relating to section 511 the following new item:

''Sec. 512. Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights-of-way.''.

Strike subtitle B of title I and redesignate subtitle C of such title as subtitle B.

Strike section 1301.

Redesignate sections 1302 through 1309 as sections 1201 through 1208, respectively.

Page 88, line 3, strike ''1304'' and insert ''1203''.

Page 90, line 5, strike ''1306'' and insert ''1205''.

Page 92, line 3, strike ''1307'' and insert ''1206''.

Page 100, line 6, strike ''1308'' and insert ''1207''.

Strike title II and redesignate titles III and IV as titles II and III, respectively.

Redesignate sections 3001 through 3004 as sections 2001 through 2004, respectively.

Page 117, line 11, insert '', the Committee on Science, Space, and Technology,'' after ''Energy and Commerce''.

Page 117, line 13, insert '', the Committee on Commerce, Science, and Transportation,'' after ''Energy and Natural Resources'''.

Strike section 3005.

Redesignate section 3006 as section 2005.

Redesignate sections 4111 through 4117 as sections 3111 though 3117, respectively.

Redesignate sections 4121 through 4123 as sections 3121 through 3123, respectively.

Page 157, beginning on line 15, strike '', to be exempted from disclosure under section 552(b)(4) of title 5, United States Code''.

Strike section 4124.

Redesignate sections 4125 through 4127 as sections 3124 though 3126, respectively.

Strike chapter 3 of subtitle A of title III, as redesignated by this amendment, and redesignate chapters 4 through 7 of such subtitle as chapters 3 through 6, respectively.

Redesignate section 4141 as section 3131.

Redesignate sections 4151 and 4152 as sections 3141 and 3142, respectively.

Page 174, line 22, strike ''4116'' and insert ''3116''.

Redesignate sections 4161 and 4162 as sections 3151 and 3152, respectively.

Redesignate sections 4171 and 4172 as sections 3161 and 3162, respectively.

Beginning on page 218, strike line 12 and all that follows through page 219, line 2 and insert the following:

(c) FUNDING.—To carry out this section, the Secretary is authorized to use not more than $15,000,000, to the extent provided in advance in appropriation Acts.

Redesignate section 4211 as section 3211.

Redesignate sections 4221 and 4222 as sections 3221 and 3222, respectively.

Redesignate sections 4231 through 4252 as sections 3231 through 3252, respectively.

Beginning on page 238, strike line 22 and all that follows through page 239, line 2 and insert the following:

CHAPTER 4—AUTHORIZATION

SEC. 3261 AUTHORIZATION.

There are authorized to be appropriated, out of funds authorized under previously enacted laws, amounts required for carrying out this Act and the amendments made by this Act.

Strike titles V and VI.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

□ 1545

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment strikes a number of provisions, some of which have already been enacted into law, and makes technical and conforming changes to the reported text of H.R. 8, H.R. 2295, and H.R. 2358. So the overall bill, I would say, H.R. 8, is a broad, bipartisan bill. It seeks to maximize America's energy potential, and it seeks to update and modernize outdated policies rooted in an era of energy scarcity to reflect today's era of energy abundance. I think that this is a good amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RUSH. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. RUSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, how in the world did we get to this point? How did we get to the point of the majority party bringing forth this highly partisan, backwards-looking, does-more-harm-than-good so-called energy bill after all the time and all the effort that was put forth by both sides to come up with a bipartisan compromise?

Mr. Chairman, after working together for the majority of this year, literally moments before the full Energy and Commerce Committee was set to mark up this bill, the rug was pulled out from under the minority side, and the Republicans turned their collective back on the legislative compromise.

We were informed that the majority had reneged on its prior commitments, and what was initially supposed to be an infrastructure bill would contain no actual funding for any infrastructure projects—not one red cent.

In addition to reneging on a promise to fund a grid modernization program and a pipeline replacement program that would have benefited low-income consumers, the majority has also stripped the one provision of the bill that received widespread praise and support from both sides of the aisle.

The 21st Century Workforce title that my office had authored has been stripped from this awful excuse for a comprehensive energy bill.

It would seem, Mr. Chairman, that all of the care and support that my Republican colleagues professed to have for helping minorities, women, and veterans find good-paying energy jobs and careers has somehow not only dissipated, but has totally disappeared.

It would appear, Mr. Chairman, that due to the apathy and indifference of a few highly privileged desk jockey elitists from the Heritage Foundation, helping to improve the plight of millions of disadvantaged Americans who have been historically underserved and underemployed within the energy sector is now considered to be, to use their very words, ''wasteful, ineffective, and inefficient.''

So, what we are left, Mr. Chairman, with is this: What aspects of this bill can we take back to our constituents? What aspects of this bill can we tell our constituents with a straight face will help them improve their lives?

All this bill does, Mr. Chairman, is attempt to strip away oversight and roll back regulations in order to help industry game the system and increase its profit at the expense of the American people. Mr. Chairman, this bill is a sham, and it will actually take the Nation's energy policy backwards, all the way back.

Mr. Chairman, the 21st Century Workforce amendment represented a win for industry, a win for our communities, and a win for Americans all. Deleting this very provision that was unanimously approved in committee speaks volumes about the majority's commitment to minorities, to women, and to veterans. This bill, H.R. 8, leaves women behind, it leaves minorities behind, it leaves veterans behind, it leaves low-income communities behind, and it leaves America behind.

Mr. Chairman, for this reason, I oppose the bill.

I yield back the balance of my time.

Mr. UPTON. Mr. Chairman, I ask for a favorable vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. TONKO

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114–359.

Mr. TONKO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 5, through page 10, line 3, strike section 1101.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment simply strikes section 1101 of the underlying bill. The section is a solution in search of a problem. The section's purported goal is to reinforce the Federal Energy Regulatory Commission's role as the lead agency for siting interstate natural gas pipelines; however, I do not think there is any doubt over FERC's role in pipeline siting approval.

In reality, this section is designed to further expedite permitting for natural gas pipelines. But there is very little evidence that this process needs expediting, which ultimately would restrict States and other Federal agencies' ability to review projects and the public's ability to comment on them.

Mr. Chairman, the GAO looked at the approval process for pipelines by FERC and found 95 percent are approved within 2 years. When it takes longer, it is because the project is large or controversial due to taking of private property, traversing State or Federal land, or requiring placement of compression stations and other operation equipment in an area close to existing infrastructure or communities.

Even the industry agrees that pipeline approvals are happening. In October, Pipelines Digest, an industry publication, wrote:

> Through April 30 of this year, FERC certified and placed in service almost twice as many natural gas projects and more than doubled the miles of pipeline that were put in service and certified through the same date in 2014.

We are building new pipelines. There is no problem that needs fixing. So what evidence is there that the certification process needs to be further tilted in favor of pipeline companies at the expense of environmental review and public comment? I would say there isn't any. Yet, Mr. Chairman, this section would require FERC to decide on a pipeline application within 90 days after the Commission issues its final environmental document, regardless of the complexity of the application.

It would also allow FERC to consider environmental data collected by aerial or other remote surveys instead of onsite inspections. This would enable pipeline companies to circumvent property owners' rights when surveying land, all in hopes of speeding up projects.

The siting of natural gas pipelines is complicated and can be controversial. I know this well since there are a number of projects currently being developed in or near the district I represent. I hear from my constituents about these projects regularly. They are very concerned, and they feel like they are being left out of this process. They are concerned about the safety and about the noise, air, and water pollution from the construction and operation of the pipeline's associated facilities. The pipeline companies do not have a problem. The public does.

We know that these types of projects, no matter how beneficial to the public interest, can be controversial. Someone is always unhappy about the selected route or placement of these facilities. But we need to do a better job of bringing the public along, and these provisions do the opposite.

Mr. Chairman, the public has a right to be part of large projects that impact their communities. Does that take extra time? Yes. Is it less convenient for the company? Yes. But these pipelines will be in service for many decades. If it is worth doing, it is worth

doing right. So I see no reason why we should be expediting projects if we cannot be sure they can be built in a safe and environmentally friendly manner.

We need to ensure State and Federal regulators are given the time needed to carefully review applications for the construction of natural gas pipelines and to ensure that the landowners and the general public have the ability to participate meaningfully in the siting process. This section undermines that process.

I urge support of the amendment.

Mr. Chairman, I yield the balance of my time to the gentlewoman from New Jersey (Mrs. WATSON COLEMAN) for a brief statement.

Mrs. WATSON COLEMAN. Mr. Chairman, I thank the gentleman from New York for yielding to me.

Mr. Chairman, I rise in strong support of the Tonko amendment and strongly urge its adoption.

Section 1101 of this misguided energy bill includes a critical provision that I would like to highlight. This language would allow big energy companies to use aerial and remote surveying to circumvent key FERC environmental reviews.

This troubling provision flies in the face of the rights of local governments and even private landowners to make decisions about the use of their own property. This provision allows Big Energy to bypass more comprehensive and appropriate on-the-ground surveys to assess the environmental impacts of energy infrastructure.

Mr. Chairman, there is one such project that New Jerseyans know all too well—the PennEast pipeline. PennEast is the proposed 108-mile natural gas pipeline that would run from Pennsylvania, across the Delaware River, and terminate in Hopewell Township in my district. If built, this pipeline would threaten some of the most environmentally sensitive areas in the Delaware River Basin, farmland, watersheds, and uninterrupted natural areas.

Virtually every local government along the PennEast route has officially lodged their opposition or disapproval. Concerned citizens have packed scoping meetings to make their voices heard to stop this pipeline. These are diverse communities across two States represented by Members of Congress on both sides of the aisle. Areas I represent, like Mercer County and Hopewell, and scores of private property owners have exercised their right to deny PennEast access to their property to carry out their surveys.

Mr. Chairman, my constituents sent me to Congress to fight for the environment and to stand up against ill-conceived projects such as this one.

Mr. TONKO. I yield back the balance of my time.

Mr. UPTON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment. Section 1101 makes important improvements to FERC's process for reviewing interstate natural gas pipelines.

As we all know, the demand for natural gas is growing, which requires new and modernized pipeline infrastructure. It has got to happen.

Unfortunately, the permitting process is becoming increasingly complex and challenging. Rate hikes hit the families and businesses that can least afford it the hardest, the most vulnerable. So we have worked very diligently to find some agreement on this provision. We have held hearings, received technical assistance from FERC, and accepted many of their recommendations.

Section 1101 would authorize concurrent permitting reviews, require more transparency through the process, and allow for the use of new survey technology for citing pipelines.

Just yesterday, Mr. Chairman, in a hearing before the House Energy and Commerce Committee, FERC Chairman Bay acknowledged the need for new pipeline capacity and signaled his support for the enhanced transparency provisions and the regulatory dashboard that is required by section 1101.

So this amendment, if passed, would strike a commonsense approach to introduce greater public transparency and accountability for Federal and State permitting agencies, and therefore I would ask for a ''no'' vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TONKO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114–359.

Mr. PETERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 12, line 23, insert ''and energy storage'' after ''infrastructure''.

Page 13, line 19, insert ''the energy storage industry,'' after ''natural gas industry,''.

Page 14, line 1, insert '', the energy storage industry,'' after ''States''.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from California (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PETERS. Mr. Chairman, my amendment to the North American Energy Security and Infrastructure Act will directly enhance reliable energy security when our communities are most vulnerable during natural disasters. My amendment simply adds energy storage as a form of energy that the Department of Energy should consider to improve emergency preparedness.

□ 1600

The bill in its current form only addresses the need to have resilient oil and natural gas infrastructure, which we certainly should all support.

Energy storage encompasses technologies capable of storing previously generated electric energy and releasing that energy at a later time. It can include various types of batteries, capacitors, fuel cells, and more and has the potential to improve electric power grids, enable growth in renewable electricity generation, and provide alternatives to oil-based fuels in the Nation's transportation sector.

Grid-level energy storage is on track to reach 40 gigawatts in capacity by 2022, a hundredfold increase from 2013.

And natural disasters are becoming more and more common. Over the last 4 years, the Federal Government has spent more than $136 billion on relief for hurricanes, tornados, droughts, wildfires, and other weather-related events.

We know that for every dollar we invest in preparedness and resiliency we save $4 in cleanup and restoration, not to mention the lives that would be saved—something we cannot put a dollar value on.

Building up community resiliency by including energy storage in preparation plans will save lives and save money.

In San Diego, our utilities, including SDG&E, are testing and developing energy storage to accommodate renewable energy, which makes up 33 percent of its power.

Our school districts, including Poway Unified School District, are adding large-scale battery storage to their campuses that go beyond California's energy efficiency guidelines to save money as heat waves and temperatures continue to spike.

And our companies and universities, including UCSD, are part of the California State public-private partnership, CalCharge, that is developing the next generation of energy storage.

Ensuring that we are better able to withstand extreme weather events with added energy storage is just common sense. Including energy storage in this bill is a smart, forward-thinking step to equip States and localities with the tools they need both in advance and in the aftermath of natural disasters.

I ask my colleagues to support the amendment, and I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR (Mr. WOMACK). The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chairman, I support the amendment. I think that it is a good amendment. It includes energy storage as a form of energy that DOE should consider to enhance emergency preparedness for energy supply disruptions during natural disasters.

It improves the bill, and I compliment the gentleman.

I yield back the balance of my time.

Mr. PETERS. Mr. Chairman, I thank the chairman.

Thank you for your very hard work on this bill. I appreciate your consideration on inclusion of my amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. PETERS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 114–359.

Mr. FRANKS of Arizona. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 17, after line 12, insert the following:

''(8) GRID SECURITY VULNERABILITY.—The term 'grid security vulnerability' means a weakness that, in the event of a malicious act using an electromagnetic pulse, would pose a substantial risk of disruption to the operation of those electrical or electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of the bulk-power system.

Page 26, after line 14, insert the following:

''(e) MEASURES TO ADDRESS GRID SECURITY VULNERABILITIES.—

''(1) COMMISSION AUTHORITY.—

''(A) RELIABILITY STANDARDS.—If the Commission, in consultation with appropriate Federal agencies, identifies a grid security vulnerability that the Commission determines has not adequately been addressed through a reliability standard developed and approved under section 215, the Commission shall, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, issue an order directing the Electric Reliability Organization to submit to the Commission for approval under section 215, not later than 30 days after the issuance of such order, a reliability standard requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability. Any such standard shall include a protection plan, including automated hardware-based solutions. The Commission shall approve a reliability standard submitted pursuant to this subparagraph, unless the Commission determines that such reliability standard does not adequately protect against such vulnerability or otherwise does not satisfy the requirements of section 215.

''(B) MEASURES TO ADDRESS GRID SECURITY VULNERABILITIES.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization to address a grid security vulnerability identified under subparagraph (A) does not adequately protect the bulk-power system against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability. Any such rule or order shall include a protection plan, including automated hardware-based solutions. Before promulgating a rule or issuing an order under this subparagraph, the Commission shall, to the extent practicable in light of the urgency of the need for action to address the grid security vulnerability, request and consider recommendations from the Electric Reliability Organization regarding such rule or order. The Commission may establish an appropriate deadline for the submission of such recommendations.

''(2) RESCISSION.—The Commission shall approve a reliability standard developed under section 215 that addresses a grid security vulnerability that is the subject of a rule or order under paragraph (1)(B), unless the Commission determines that such reliability standard does not adequately protect against such vulnerability or otherwise does not satisfy the requirements of section 215. Upon such approval, the Commission shall rescind the rule promulgated or order issued under paragraph (1)(B) addressing such vulnerability, effective upon the effective date of the newly approved reliability standard.

''(3) GEOMAGNETIC STORMS AND ELECTROMAGNETIC PULSE.—Not later than 6 months after the date of enactment of this section, the Commission shall, after notice and an opportunity for comment and after consultation with the Secretary and other appropriate Federal agencies, issue an order directing the Electric Reliability Organization to submit to the Commission for approval under section 215, not later than 6 months after the issuance of such order, reliability standards adequate to protect the bulk-power system from any reasonably foreseeable geomagnetic storm or electromagnetic pulse event. The Commission's order shall specify the nature and magnitude of the reasonably foreseeable events against which such standards must protect. Such standards shall appropriately balance the risks to the bulk-power system associated with such events, including any regional variation in such risks, the costs of mitigating such risks, and the priorities and timing associated with implementation. If the Commission determines that the reliability standards submitted by the Electric Reliability Organization pursuant to this paragraph are inadequate, the Commission shall promulgate a rule or issue an order adequate to protect the bulk-power system from geomagnetic storms or electromagnetic pulse as required under paragraph (1)(B).

''(4) LARGE TRANSFORMER AVAILABILITY.—Not later than 1 year after the date of enactment of this section, the Commission shall, after notice and an opportunity for comment and after consultation with the Secretary and other appropriate Federal agencies, issue an order directing the Electric Reliability Organization to submit to the Commission for approval under section 215, not later than 1 year after the issuance of such order, reliability standards addressing availability of large transformers. Such standards shall require entities that own or operate large transformers to ensure, individually or jointly, adequate availability of large transformers to promptly restore the reliable operation of the bulk-power system in the event that any such transformer is destroyed or disabled as a result of a geomagnetic storm event or electromagnetic pulse event. The Commission's order shall specify the nature and magnitude of the reasonably foreseeable events that shall provide the basis for such standards. Such standards shall—

''(A) provide entities subject to the standards with the option of meeting such standards individually or jointly; and

''(B) appropriately balance the risks associated with a reasonably foreseeable event, including any regional variation in such risks, and the costs of ensuring adequate availability of spare transformers.

''(5) CERTAIN FEDERAL ENTITIES.—For the 11-year period commencing on the date of enactment of this section, the Tennessee Valley Authority and the Bonneville Power Administration shall be exempt from any requirement under this subsection.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Mr. Chairman, I want first to thank the chairman of the Rules Committee, Mr. SESSIONS, for making this amendment in order, along with his committee members.

And I want to sincerely thank the chairman of the Energy and Commerce Committee, Mr. UPTON, for his support for the amendment and also just for the entire effort on his part in other committees of jurisdiction to move this underlying and critically important bill forward.

Mr. Chairman, our national security and the reliability of our electric grid are inextricably related. Without the grid, telecommunications no longer operate, transportation of every kind is profoundly affected, sewage and water treatment facilities stop, and a safe and continuous food supply is interrupted.

Contemporary society, Mr. Chairman, is not structured nor does it have the means to provide for the needs of nearly 300 million Americans without electricity. The current strategy for recovery from a failure of the electric grid leaves us ill-prepared to respond effectively to a significant manmade or naturally occurring electromagnetic pulse event that would potentially result in damage to vast numbers of the critical electric grid components nearly simultaneously or over an unprecedented geographic scale.

Mr. Chairman, the negative impacts on U.S. electric infrastructure are potentially catastrophic in a major EMP or severe space weather event unless practical steps are taken to provide protection for critical elements of the electric system.

Nearly a dozen studies, including those by DOD, DOE, the Army War College, the National Academy of Sciences, and the bipartisan Electromagnetic Pulse Commission have all

come to the same conclusion: The United States bulk power grid is critically vulnerable to severe space weather and electromagnetic pulse, and this represents a profound danger to this Nation.

We have now spent billions of dollars hardening our critical defense assets against electromagnetic pulse. However, the Department of Defense depends upon the unprotected civilian grid within the continual United States for 99 percent of their electricity needs without which they cannot effect their mission.

Some of America's most enlightened national security experts, as well as many of our enemies or potential enemies, consider a well-executed weaponized electromagnetic pulse against America to be a ''kill shot'' against America.

It is astonishing that our civilian grid remains fundamentally unprotected against a severe EMP, and for it to remain so is an open invitation to our enemies to exploit this dangerous vulnerability.

Mr. Chairman, my amendment amends section 215 of the Federal Power Act by creating a protocol for cooperation between industry and government in the development, promulgation, and implementation of standards and processes that are necessary to address the current shortcomings and vulnerabilities of the electric grid from a major EMP event.

This base bill does indeed provide for such protocols for the protection of the grid but only in a ''grid security emergency,'' defined in the bill as the actual occurrence of the EMP event or the imminent danger of one, and only after the President issues a written directive declaring such an emergency.

Mr. Chairman, that is akin to having a parachute that opens on impact. The nature of this threat is such that if there is a true emergency it may be too late to effectively respond. My amendment is critical because it proactively encourages cooperation on a solution to our vulnerability before it is deemed an emergency.

Mr. Chairman, finally, I would just say that we live in a time where the vulnerabilities to our electric grid, our most critical infrastructure, are big enough to be seen and still small enough to be addressed. This is our moment.

I appeal to my colleagues to support this vital amendment to protect Americans and our national security from this dangerous threat.

Mr. UPTON. Will the gentleman yield?

Mr. FRANKS of Arizona. I yield to the gentleman from Michigan.

Mr. UPTON. I would just say to the gentleman, I agree with what you have to say, that the electromagnetic pulse, EMP, and geomagnetic disturbances really do pose a real threat to the grid.

I think your amendment is constructive. It moves the bill forward. I have a few small concerns, but it is a good amendment, and I certainly intend to vote for it.

Mr. FRANKS of Arizona. I thank the chairman more than I know how to say, and I hope that it comes to fruition as it should.

I yield back the balance of my time.

Mr. RUSH. Mr. Chairman, I claim the time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. RUSH. Mr. Chairman, this amendment aims to address the threat of electromagnetic pulses and geomagnetic storms on the Nation's electric grid.

While I agree that we should protect our Nation's electric grid, I don't agree that we should only focus on these high-impact, low-frequency events. There are many other threats, Mr. Chairman, to the grid that deserve just as much focus.

The Franks amendment may undermine current FERC authority in the process for developing consistent technical standards for grid security already in place under Federal law.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. POLIQUIN

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 114–359.

Mr. POLIQUIN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 45, line 8, insert ''(which may not be required to be for a period longer than one year)'' after ''contractual obligations''.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Maine (Mr. POLIQUIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maine.

Mr. POLIQUIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the great State of Maine is blessed with natural resources. We have 3,000 miles of breathtaking coastline. We have healthy fisheries. We have an abundance of inland waterways, rivers, streams, lakes, and ponds, and we have an abundance of water as a result. We have potatoes and broccoli in our farming communities, and our landscape is dotted with small organic farms that continue to grow. And, most importantly, or as importantly, Maine is right in the middle of the country's wood basket.

Now, Mr. Chairman, when you cut a strand of trees, one can leave behind the branches and the bark for that matter to decompose and become part of the carbon cycle, or that bark and branches and chips can be collected and transported to paper mills to burn energy or to burn to create energy to run the machinery to create paper, or they can be trucked to power plants to produce electricity.

Now, when this happens, it is the same carbon footprint if that biomass decays on the forest floor or if it is burned in a paper mill or an electric generating station.

This creates jobs, Mr. Chairman, for loggers and truckers, and also we help fuel our State economy and our Nation's economy by using this renewable, green, abundant, safe, homegrown biomass.

Many States, Mr. Chairman, have shifted away from foreign importation of oil for all kinds of reasons, not the least of which is national security. And, today, throughout our country, we are using more natural gas and oil developed here in our country, in America—also nuclear power, hydro, and biomass.

Today, Mr. Chairman, Federal regulations allow electric utilities to determine the reliability of the source of fuel they are burning to create electricity. Part of that reliability equation is the length of a contract to deliver that fuel source to the power plant.

If the reliability of that fuel source is not up to snuff, then that fuel source would result in electricity generated by that power plant not having full access to the power grid and not being able to sell its product, electricity, to the economy.

Some sources of fuel, like coal, for example, Mr. Chairman, are usually sold in 2- or 3-year contracts. The reason for that is because coal today is mostly used to generate electricity.

However, biomass is different. We can use branches and wood chips and bark and biomass that includes other organic materials to create pellets that are burned in wood stoves or to create mulch that gardeners use or also to create plywood and other materials. As a result, Mr. Chairman, biomass as a fuel source is usually sold in 1-year increments.

This bill, H.R. 8, the North American Energy Security and Infrastructure Act, where I am offering an amendment, Mr. Chairman, is a small technical amendment but a very important one, because what it does is it puts all fuel sources on a level playing field, able to compete in the market, such that biomass—a green, renewable, environmentally friendly, homegrown source of fuel for our electric generators—is not penalized.

This is good for the economy, Mr. Chairman. It is good for job creation. It strengthens our national security because it diversifies the fuel sources that we need to fuel and power our electric generators that are used in creating jobs and creating products throughout our country.

As a result, Mr. Chairman, I ask everybody in this Chamber, Republicans

and Democrats, today to support this commonsense amendment to help our State, to help our country, to help our economy, and to help our families live better lives.

□ 1615

Mr. UPTON. Will the gentleman yield?

Mr. POLIQUIN. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I just want to say to my colleagues that this amendment clarifies that electric plants can be considered reliable without having to enter into supply contracts that are greater than a year.

I think that it is a good amendment, and we are willing to accept it.

Mr. POLIQUIN. I thank the chairman.

Mr. Chairman, I yield back the balance of my time.

Mr. PALLONE. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Mr. Chairman, the gentleman from Maine's amendment adds further specificity to the criteria defining fuel certainty, one of the three requirements that defines reliable generation in section 1107 of the bill.

The amendment to the Public Utility Regulatory Policies Act, or PURPA, is already too prescriptive, in my view. The amendments in this legislation to capacity markets under the Federal Power Act in section 1110 and to PURPA in section 1107 are an attempt at micromanaging grid decisions.

I am not certain what the gentleman from Maine's amendment would be other than to ensure that no electric generation facility need enter into a contract with a fuel supplier that was any longer than 1 year.

I realize some problems have arisen in the New England capacity market, but I doubt this is the best way to address those problems.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maine (Mr. POLIQUIN).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. VEASEY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 114–359.

Mr. VEASEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 58, after line 22, insert the following new subparagraph:

(C) ADDITIONAL REPORT.—The Secretary of Energy shall transmit to Congress a report on the potential commercial use of carbon capture, utilization, and storage technologies (including enhanced oil recovery), its potential effects on the economy and gross domestic product (GDP), and its contributions to the United States greenhouse gas emission reduction goals if widely utilized at major carbon dioxide-emitting power plants.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Texas (Mr. VEASEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. VEASEY. Mr. Chairman, I am pleased to offer an amendment that would require the Department of Energy to submit a report to Congress related to carbon capture, utilization, and sequestration, known as CCUS technologies.

This report would explore the potential effects that the commercial utilization of CCUS technologies would have on the Nation's economy and our gross domestic product. It would also examine what these technologies could contribute to our efforts to reach our greenhouse gas emission reduction goals.

My amendment is intended to supplement the CCUS evaluation report that is required by the underlying legislation. I am confident that this study's finding will provide concrete evidence that CCUS represents a way to benefit the economy and the environment while meeting our Nation's energy needs.

CCUS is a combination of technologies that allows industries to capture carbon, or CO_2, emissions for transport or storage before they are emitted into the atmosphere. These technologies have the potential to allow for the continued use of industries while decreasing the amount of CO_2 released into the environment.

America's recent energy boom has shown us that fossil fuels will continue to make up a sizable portion of our Nation's energy portfolio. So, as we continue to pursue an all-of-the-above energy policy, we must also be sure that we use these resources in an environmentally responsible fashion. Carbon capture technologies do achieve that goal. That is evident in the wide range of support it receives from industry as well as from environmental groups.

However, though much is understood about the various aspects of CCUS, commercial or large-scale deployment has not been achieved, and that is for a variety of different reasons. The absence of commercial projects has led to a fractured understanding of its widespread economic and environmental benefits.

So it is important for us to understand the potential economic benefits CCUS could hold for consumers and stakeholders if we continue to urge the Department of Energy to increase its investments in the research and development of these technologies.

The results of this study would also provide industry stakeholders and likely investors with concrete data to make those economic decisions.

Finally, as America continues to participate in the global effort to address climate change, we must also understand what CCUS can contribute to our emission reduction goals. By considering long-term climate mitigation needs, this study could provide reason for the Department of Energy to continue to support CCUS technologies even if a DOE-supported project does not immediately succeed.

These technologies have a variety of possible applications, from oil recovery and so on, and it is time that we really understood how a large-scale deployment of this technology would benefit our country. So I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. But I support the amendment.

Mr. Chairman, this amendment requires the Department of Energy to submit a report to Congress on the potential effects that the commercial utilization of carbon capture and sequestration could have on the economy, energy infrastructure, and greenhouse gas emission goals.

I support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. VEASEY).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 114–359.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In subtitle A of title I, add at the end the following new section:

SEC. 1111. ETHANE STORAGE STUDY.

(a) IN GENERAL.—The Secretary of Energy and the Secretary of Commerce, in consultation with other relevant agencies and stakeholders, shall conduct a study on the feasibility of establishing an ethane storage and distribution hub in the United States.

(b) CONTENTS.—The study conducted under subsection (a) shall include—

(1) an examination of—

(A) potential locations;

(B) economic feasibility;

(C) economic benefits;

(D) geological storage capacity capabilities;

(E) above ground storage capabilities;

(F) infrastructure needs; and

(G) other markets and trading hubs, particularly related to ethane; and

(2) identification of potential additional benefits to energy security.

(c) PUBLICATION OF RESULTS.—Not later than 2 years after the date of enactment of this Act, the Secretaries of Energy and Commerce shall publish the results of the study conducted under subsection (a) on the websites of the Departments of Energy and Commerce, respectively, and shall submit such results to the Committee on Energy and Commerce of the House of Representatives and the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, I applaud the work of Chairman UPTON and his staff in their bringing this crucial energy bill to the floor, and I want to thank them for that.

Mr. Chairman, I rise in support of this amendment, which directs the Department of Energy and the Department of Commerce to conduct a study on the feasibility of establishing one or more ethane storage and distribution hubs in the United States. This study will also examine the potential benefits that an ethane storage hub would have on our Nation's energy security.

The extraction of natural gas from shale gas formations has increased dramatically over the last 15 years, and ethane is the largest component of that shale gas. Most of the ethane production is used in the petrochemical sector in order to make ethylene, a major component used in the feedstock for manufacturing.

Yet, while the ethane supply continues to grow, the lack of infrastructure and storage inhibits its potential for America's manufacturing economy. Establishing ethane storage and distribution hubs could bring about new markets for these stranded liquids and allow America's shale formations to achieve their full potential as critical national energy assets.

A revamped storage and distribution infrastructure will make our economy less vulnerable to potential unanticipated disruptions and will reduce transportation costs.

Furthermore, the results of this study and decentralization of ethane activity could encourage investment in manufacturing and the expansion of the petrochemical industry all across America.

Therefore, I urge my colleagues to support this amendment for a study.

Mr. UPTON. Will the gentleman yield?

Mr. MCKINLEY. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, this amendment is a good amendment. It directs the Secretary of Energy and the Secretary of Commerce, in consultation with other relevant agencies and stakeholders, to conduct a study on the feasibility of establishing an ethane storage and distribution hub in the U.S.

The gentleman and I have talked about it over the last number of months. I think it is a good amendment, and it adds to the bill, so I support the amendment.

Mr. MCKINLEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MRS. ELLMERS OF NORTH CAROLINA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 114–359.

Mrs. ELLMERS of North Carolina. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle A of title I, add the following:

SEC. 11___. STATEMENT OF POLICY ON GRID MODERNIZATION.

It is the policy of the United States to promote and advance—

(1) the modernization of the energy delivery infrastructure of the United States, and bolster the reliability, affordability, diversity, efficiency, security, and resiliency of domestic energy supplies, through advanced grid technologies;

(2) the modernization of the electric grid to enable a robust multi-directional power flow that leverages centralized energy resources and distributed energy resources, enables robust retail transactions, and facilitates the alignment of business and regulatory models to achieve a grid that optimizes the entire electric delivery system;

(3) relevant research and development in advanced grid technologies, including—

(A) energy storage;

(B) predictive tools and requisite real-time data to enable the dynamic optimization of grid operations;

(C) power electronics, including smart inverters, that ease the challenge of intermittent renewable resources and distributed generation;

(D) real-time data and situational awareness tools and systems; and

(E) tools to increase data security, physical security, and cybersecurity awareness and protection;

(4) the leadership of the United States in basic and applied sciences to develop a systems approach to innovation and development of cyber-secure advanced grid technologies, architectures, and control paradigms capable of managing diverse supplies and loads;

(5) the safeguarding of the critical energy delivery infrastructure of the United States and the enhanced resilience of the infrastructure to all hazards, including—

(A) severe weather events;

(B) cyber and physical threats; and

(C) other factors that affect energy delivery;

(6) the coordination of goals, investments to optimize the grid, and other measures for energy efficiency, advanced grid technologies, interoperability, and demand response-side management resources;

(7) partnerships with States and the private sector—

(A) to facilitate advanced grid capabilities and strategies; and

(B) to provide technical assistance, tools, or other related information necessary to enhance grid integration, particularly in connection with the development at the State and local levels of strategic energy, energy surety and assurance, and emergency preparedness, response, and restoration planning;

(8) the deployment of information and communications technologies at all levels of the electric system;

(9) opportunities to provide consumers with timely information and advanced control options;

(10) sophisticated or advanced control options to integrate distributed energy resources and associated ancillary services;

(11) open-source communications, database architectures, and common information model standards, guidelines, and protocols that enable interoperability to maximize efficiency gains and associated benefits among—

(A) the grid;

(B) energy and building management systems; and

(C) residential, commercial, and industrial equipment;

(12) private sector investment in the energy delivery infrastructure of the United States through targeted demonstration and validation of advanced grid technologies; and

(13) establishment of common valuation methods and tools for cost-benefit analysis of grid integration paradigms.

The Acting CHAIR. Pursuant to House Resolution 542, the gentlewoman from North Carolina (Mrs. ELLMERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Mrs. ELLMERS of North Carolina. Mr. Chairman, I rise today in support of this bipartisan amendment.

I join my colleague, Congressman JERRY MCNERNEY of California. Together, we chair the Grid Innovation Caucus with the belief that we need to have a bold and ambitious vision for modernizing our Nation's electric grid.

Our current electric infrastructure resembles that of the original grid built over 100 years ago. New technology has given us the opportunity to transform a 20th century grid into a 21st century grid, and my home State of North Carolina is helping to lead the way. In fact, North Carolina is the second-leading State in grid innovation technology development behind California.

There is a need to bring our electric grid and the entire electric system up to date in order to meet the changing demands of our digital economy. This amendment is simply a statement of policy and a blueprint for what we want our future grid to consist of and how we want it to perform. By adopting this amendment, we begin to develop a concrete plan to further secure our grid.

This is a conversation that needs to happen now, and this energy package moves the debate forward. Technology has given us the ability to further secure our grid from physical and cyber threats as well as increase the efficiency, reliability, and redundancy of this vital component.

I urge my colleagues to vote ''yes'' on this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Chairman, I thank my colleague from North Carolina for yielding and for her work on the Grid Innovation Caucus, which is one example of bipartisan cooperation for the good of the Nation.

I also join my colleague Mrs. ELLMERS in offering this bipartisan

amendment, which would establish a statement on grid modernization policy. This will establish a clear vision to achieve the future grid.

The grid is the core of our Nation's effort to transition to clean energy sources. That said, our current electric grid has much the same technology that was in place for the last 100 years. We need to improve and upgrade the grid to meet the 21st century demands and the demands of the digital economy.

The future grid must be reliable, secure, resilient, and affordable while integrating a range of resources and devices, including intermittent renewable energy, storage, and electric vehicles.

Having a national grid modernization policy, or vision, will help achieve these objectives while maintaining the secure, safe, reliable, and affordable power for which our Nation is known.

I thank my colleague, who is the cochair of the Grid Innovation Caucus, and I urge a ''yes'' vote on the amendment.

Mr. UPTON. Mr. Chairman, I claim the time in opposition to the gentlewoman's amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chairman, I support the amendment, and I congratulate the two on its being a bipartisan amendment. This makes a strong policy on grid modernization. I appreciate their work, and I urge my colleagues to support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Mrs. ELLMERS).

The amendment was agreed to.

□ 1630

AMENDMENT NO. 9, AS MODIFIED, OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 114–359.

Ms. JACKSON LEE. Mr. Chair, I offer amendment No. 9, and I ask unanimous consent that it be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will designate the amendment, as modified, and report the modification.

The text of the amendment, as modified, is as follows:

At the end of subtitle A of title I, add the following:

SEC. 11___. GRID RESILIENCE REPORT.

Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Congress a report on methods to increase electric grid resilience with respect to all threats, including cyber attacks, vandalism, terrorism, and severe weather.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

Pursuant to House Resolution 542, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Let me express my appreciation to Chairman UPTON and Ranking Member PALLONE and the Rules Committee for allowing this amendment to come to the floor. Let me thank Chairman SESSIONS and Ranking Member SLAUGHTER of the Rules Committee as well.

As I begin, let me acknowledge that I think we have a collective commitment and need to continue to assess the electric grid. According to a Department of Energy report on the economic benefits of increasing the electric grid resilience, the electric grid in the State of Texas is highly vulnerable to severe weather, cyber attacks, vandalism, and terrorism. Mr. Chairman, Texas is only an example.

I hold in my hand a letter from the Senate Committee on Veteran Affairs & Military Installations that has come to my attention and the House Committee on Defense and Veterans' Affairs to take note of the vulnerability. I use this letter from the State to only say that other States are in the same category.

That is why the Jackson Lee amendment is very relevant, because it requires a report to be promulgated upon our Nation's preparedness for challenges in energy as it pertains to cyber attacks, vandalism, terrorism, and severe weather.

I sit on the Homeland Security Committee's Cybersecurity, Infrastructure Protection, and Security Technologies Subcommittee, and we see every day vulnerabilities to the cybersecurity or the infrastructure. The importance of this amendment was underscored, as I indicated, in a letter that I received.

My amendment offers the option of the utilization of geothermal power, in addition to other renewable strategies, to address some of the energy insecurities faced by this Nation. In today's world of natural and manmade disasters in the energy sector, seeking and implementing complementary alternative measures, such as that proposed in my amendment, will help address some of the insecurity issues triggered by these disasters.

The natural disasters suffered in many of our home States, whether it is tornados or hurricanes, we know that the grid is an important survival asset for the Nation.

According to the DOE report, the average yearly cost of power outages from severe weather in the U.S. is between $18 billion to $33 billion. Cold weather in a number of States caused two emergencies that knocked out 9,355 megawatts.

These events warn us that key infrastructure facilities along the Gulf Coast and many other places continue to stress our grid. Thus, this amendment seeks to facilitate the United States' exploration of possibilities, strategies, and utilities of promoting energy infrastructure.

I would ask my colleagues to join me in ensuring through this report that we are in front of it, if we can be, to strengthen our electric grid, to look for alternatives, to be ahead of cybersecurity attacks, vandalism, weather conditions, and assure the American public that they do have a resilient system that will last during times of great disaster.

I ask my colleagues to support the amendment.

Mr. Chair, let me express my appreciation to Chairman UPTON and Ranking Member PALLONE for their leadership and commitment to American energy infrastructure development, security, independence and economic growth.

I also wish to thank Chairman SESSIONS, Ranking Member SLAUGHTER, and the members of the Rules Committee for making in order Jackson Lee Amendment Number 9.

Mr. Chair, thank you for the opportunity to explain my amendment, which provides:

GRID RESILIENCE REPORT

Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report on methods to increase electric grid resilience with respect to all threats, including cyber attacks, vandalism, terrorism, and severe weather.

According to a Department of Energy Report on the Economic Benefits of Increasing Electric Grid Resilience, the electrical grid in the state of Texas is highly vulnerable to severe weather, cyber attacks, vandalism and terrorism.

This is why Jackson Lee Amendment Number 9 is very relevant because it requires a report to be promulgated on our nation's preparedness for challenges in energy, as pertains to cyber attacks, vandalism, terrorism and severe weather.

The importance of this Amendment was underscored in a letter addressed to me and other members of the Texas Delegation from the Texas Senate Veterans Affairs and Military Installations Committee and the Texas House Defense and Veteran's Affairs Committee.

My Amendment offers the option of the utilization of geothermal power in addition to other renewable strategies to address some of the energy insecurities faced by my home state of Texas and by our nation as a whole.

Across the nation from New Orleans to Georgia to New Jersey, we have all seen the devastation natural and man made disasters have wrought on the livelihood of Americans.

In today's world of natural and man-made disasters in the energy sector, seeking and implementing complementary alternative measures such as that proposed in my Amendment will help address some of the insecurity issues triggered by these disasters.

The natural disaster suffered in my home state of Texas is an example that underscores the imperative of a well informed report corroborated by data and facts.

Here are the recent facts: According to a DOE report, the average yearly cost of power outages from severe weather in the U.S. is between $18–$33 billion; Cold weather in Texas caused a level two emergency that knocked out 9,355 MW of power that drastically increased wholesale electricity prices 100 times the normal rate in January 2014;

Additionally, in 2014 alone, there were approximately eight major power outages in the Corpus Christi area, three of which affected nearby Navy bases.

These events warn us that key infrastructure facilities along the gulf coast operate 24/7 365 days a year, with ongoing powerful power demands, and there is a need for enormous and capable energy security infrastructures, prepared to handle natural and man-made disasters.

Thus, this Amendment seeks to facilitate the United State's exploration of the possibilities, strategies and the utility of promoting energy infrastructures.

Indeed, part of what I hope will be the result of the report requested by my Amendment are the timelines, actions and plans for bolstering energy security and infrastructure development in our nation.

Already we can see some of the potential dividends of investing in infrastructures that foster the utilization of our geothermal resources to promote energy security and efficiency.

A prime example is my home state of Texas.

Indeed, according to reports, Texas' geothermal resources can complement both offsite wind and solar projects and leverage the earth's constant heat in gulf coast pressurized zones and eliminate dependency on external fuel sources.

For example, the National Renewable Energy Laboratory (NREL) published a study in 2012 that determined a minimum of 2,500 Megawatts to the power of 3 (MW_3) of geothermal potential within the gulf coast region.

For those of us in the Gulf Coast, our geothermal can serve as an unlimited resource which can provide relief to facilities in need of clean, stable power and set a new standard for sustainability.

Additionally, geothermal resource can be instrumental in fostering our nation's renewable energy, while adding military value to our defense installations.

For all of these reasons, I urge my colleagues to join me and support Jackson Lee Amendment Number 9.

Ms. JACKSON LEE. I reserve the balance of my time.

Mr. UPTON. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chair, I supported the amendment before it was revised. I support the amendment as revised.

This amendment directs the Secretary of Energy to submit to the House and Senate Energy Committees a report on methods to increase electric grid resilience with respect to all threats, including cyber attacks, vandalism, terrorism, and severe weather. Actually, as amended, it requires it submit to the Congress versus the specific committees.

I think it is a fine amendment, and I support it.

I yield back the balance of my time.

Ms. JACKSON LEE. I yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to also lend my support to the legislation on grid resiliency. I think it is very important. I appreciate the gentlewoman putting it forward.

Ms. JACKSON LEE. Mr. Chairman, I include for the RECORD this letter from the Senate Committee on Veteran Affairs & Military Installations of the State of Texas and the House Committee on Defense and Veterans' Affairs.

SENATE COMMITTEE ON VETERAN AFFAIRS & MILITARY INSTALLATIONS AND HOUSE COMMITTEE ON DEFENSE AND VETERANS' AFFAIRS,

November 12, 2015.

DEAR HONORABLE JACKSON LEE: On behalf of the Texas Senate Committee on Veteran Affairs and Military Installations and the House Committee on Defense and Veterans' Affairs, we are writing to ask for your support for the development of geothermal energy along the Gulf Coast to provide onsite power and increased energy independence to critical infrastructure facilities that include Military bases such as Naval Air Station (NAS) Corpus Christi, Naval Air Station Kingsville, and the Ports of Corpus Christi and Brownsville.

The August 2013 Report of Economic Benefits of Increasing Electric Grid Resilience authored by the Department of Energy determined that in addition to cyber-attacks, vandalism, and terrorism, the electrical grid is highly vulnerable to severe weather. The average yearly cost of power outages from severe weather in the U.S. is between $18-$33 billion. Cold weather in Texas caused a level two emergency that knocked out 9,355 MW of power that drastically increased wholesale electricity prices 100 times the normal rate in January 2014. Additionally in 2014, there were approximately eight major power outages in the Corpus Christi area, three of which affected the nearby Navy bases. Key infrastructure facilities along the gulf coast operate 24/7/365 and their ongoing power demands are enormous; however, the need for cleaner and more cost effective renewables is also increasing.

The National Renewable Energy Laboratory (NREL), who supports the military's renewable energy goal, published a study in April 2012 that determined a minimum of 2,500 MW of geothermal power potential within the gulf coast region and more recent review by geothermal energy developers have doubled that estimate. Our committees were briefed recently on a conceptual plan to generate as much as 10MW of geothermal power within a 2-acre area at NAS Corpus Christi and up to 5MW at NAS Kingsville. The Corpus Christi Army Depot who is a tenant on NAS Corpus Christi is also considering a plan through its Energy Service Company (ESCO) to utilize geothermal power with a MicroGrid on-site to enhance its energy security in case of power outage. This MicroGrid would complement other offsite renewable power sent from the local grid.

From a regulatory stand-point, the Energy Act of 2005, Presidential Executive Orders 13423 and 13513, and the Department of the Navy's own Renewable Energy Security Goals established by Navy Secretary Ray Mabus in October 2012 are some of the other drivers that are encouraging the military's use of any geographically available onsite renewable sources by 2015 and 2020 respectively. The Navy's 2012 report only considered 1.2MW Solar PV for on-site generation at NAS Corpus Christi; however we understand their renewable energy team has acknowledged Geothermal is an option that has still not been implemented.

Texas' Geothermal resources can complement both off-site wind and solar projects and leverage the earth's constant heat in gulf coast geopressured zones and eliminate dependency on external fuel sources. This unlimited resource will provide relief to facilities in need of clean, stable power and set a new standard for sustainability while fostering renewable energy growth in Texas and adding military value to our defense installations.

As Chairs of the Texas military affairs committees, we ask for your support and advocacy of this approach to military leaders in Washington D.C. It will improve military value for our defense installations, create new jobs in the energy sector, and benefit the State of Texas as a whole. If you would like more information on the potential projects in Texas, please feel free to contact staff of either Committee.

Sincerely,

SENATOR DONNA CAMPBELL, CHAIR,
Senate Veteran Affairs & Military Installations Committee.

REPRESENTATIVE SUSAN L. KING, CHAIR,
House Defense & Veterans' Affairs Committee.

Ms. JACKSON LEE. Mr. Chairman, let me conclude by simply saying I thank both Mr. UPTON and Mr. PALLONE for joining in the unanimous consent to revise the amendment simply to say that this report on increasing methods to increase the electric grid resilience with respect to all threats, including cyber attacks, vandalism, terrorism, severe weather, will go to the Congress. I thank them very much.

I ask my colleagues to support the Jackson Lee amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment, as modified, was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. KILDEE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 114–359.

Mr. KILDEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle A of title I, add the following:

SEC. 11___. GAO REPORT ON IMPROVING NATIONAL RESPONSE CENTER.

The Comptroller General of the United States shall conduct a study of ways in which the capabilities of the National Response Center could be improved.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Michigan (Mr. KILDEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. KILDEE. Mr. Chair, the National Response Center is a joint operation between the U.S. Coast Guard, the EPA, and other agencies. It is the sole Federal point of contact for reporting hazardous substance releases and oil spills.

Essentially, it is our Nation's 911 for dangerous spills, staffed by the Coast Guard 24 hours a day, passing on reports to relevant national response teams.

Those teams then go to the site of a spill, assess the situation, determine the best way to mitigate exposure, and quickly clean up the spill. Often it is the Coast Guard being called upon to clean up a spill when it involves surface water.

Back in March I visited a Coast Guard station in my district to learn more about their operations. While I was there, we talked quite a bit about a serious deficiency in their capabilities, a deficiency that came to light during one of the greatest environmental disasters that our State has faced, and the chairman is quite aware of this.

In 2010, there was a large spill on the Kalamazoo River. It was the largest inland oil spill in the history of the U.S., in fact. The Coast Guard was called upon to help with those cleanup efforts.

When they arrived, however, they learned that the equipment that they had brought to the spill was for one type of oil—the oil that they believed to have been involved in this particular incident—but the oil in the Kalamazoo River was an entirely different type and consistency than what they had expected, and it required a different cleanup method.

Valuable time was lost as the Coast Guard actually had to return back to their station, hours away, to get the right equipment. Meanwhile, this spill continued into this river.

The terrible scope of the spill could have been much more easily mitigated had the National Response Center possessed the basic information regarding the contents of that particular pipeline so they could pass the information on to the Coast Guard to address the spill when it occurred.

Currently, these response teams are often flying blind as they head out to spills. Without this important information, the likelihood of much more serious damage, such as what we saw in 2010 in the Kalamazoo River, is much higher.

So I have been talking with lots of folks, including the people within the Coast Guard, about ways to improve their ability to address and respond to this type of spill.

The amendment that I have offered would simply require the GAO to conduct a study of ways in which the capabilities of the National Response Center could be improved, including providing additional information on the contents of these pipelines.

It would be an independent study that could then guide policymakers in improving the National Response Center, providing them the tools they need in the 21st century.

The National Response Center receives over 6,000 calls per year across the country on all different sorts of spills. Giving the National Response Center the tools they need in order to respond to these incidents as quickly as possible with the right information is critical not only to protecting public health, but in preventing long-term damage to the environment.

Of course, coming from Michigan—in the district that I represent, the Great Lakes, I have 77 miles of shoreline—we are particularly concerned about surface water spills, and this information is absolutely critical. Forty million people depend on the Great Lakes for drinking water. We want to ensure that those who are charged with responding to accidents, such as the one we saw in Michigan, have all the information and tools available to them.

I ask my colleagues to support this amendment.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chair, I support the amendment. I want to say to my friend from the great State of Michigan that this is obviously an issue that is close to both of our hearts.

I want to go back. When I was first elected a few years ago, one of the first bills that I saw enacted into law was an oil spill response team for the Great Lakes. It was actually a visit, I think, now to your district, Bay City, back then, which had a fairly significant oil spill. We found out that the Coast Guard was totally unprepared. My amendment was added, I want to say, to a highway bill to get it done.

When we had the oil spill on the Kalamazoo River in Calhoun County a few years ago, we looked at that. We actually passed the Upton-Dingell—not the DEBBIE DINGELL, but the John Dingell—bill on pipeline safety, which I want to say passed this body with more than 400 votes.

It did a lot of good things, including one that was very important, which was, when there is an oil spill, it had to be reported to PHMSA within an hour versus on a timely basis. That was a big change.

Now that we expect the passage tomorrow of the highway bill, Chairman SHUSTER and myself will be working again to reauthorize the pipeline safety bill. I am led to believe that we will be prepared to start early next year to bring a bill to the floor. I look forward to your support.

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Anything that we can do to improve the current system is a good thing, which is why I strongly support your amendment today.

Mr. Chairman, I yield back the balance of my time.

Mr. KILDEE. Mr. Chairman, I just want to thank the chairman for his good work on this. I look forward to working with him again on additional pipeline safety measures as they come to the floor. I appreciate his support for my amendment.

I believe in quitting while I am ahead. With that, unless the ranking member would like time, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 11 will not be offered.

AMENDMENT NO. 12 OFFERED BY MR. GARAMENDI

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 114–359.

Mr. GARAMENDI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 118, line 2, insert ''transportation,'' after ''distribution,''.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, I am trying to figure out who would be opposed to this amendment, so maybe I will just talk my few minutes and go from there.

The bill deals with energy, and I am trying to figure out, let's see, energy that goes along in wires would be electrical energy. If it is coal, it is probably on a truck or a train. If it is oil or gas, it is on a pipeline or maybe in a truck, maybe in a boat or barge.

But this bill doesn't speak to the transportation of energy, so this amendment is extraordinarily important because it really says that, if you are going to study energy, you better study how you are going to get it to wherever it needs to go. This amendment, being such an important amendment, and so long—let's see, transportation. Wow, not even 15 letters. That is all it does. It simply adds the word ''transportation'' to the study section of this bill, requiring the Department of Energy, as it studies energy, to study how it gets from here to there. That is it.

Now, I can go on for another 4 minutes or so, but after doing so, it won't make any difference because we really need to study energy and figure out how it gets to where it needs to go. That is the amendment. Add the word ''transportation'' in it.

Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition but speak in support of the amendment.

The Acting CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. UPTON. Mr. Chairman, this amendment adds inclusion of the energy transportation to the list of considerations for the energy security

valuation report. Section 3002 requires the Secretary of Energy to establish transparent and uniform procedures and criteria to ensure that energy-related actions that significantly affect the supply, distribution, or use of energy are evaluated with respect to their potential impact on energy security, including their impact on the consumer and the economy and energy supply and diversity.

I think it is a good amendment. I urge my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I came in prepared for a brawl, and all I get is acceptance of an amendment. I think I will go with that and say thank you, Mr. Chairman, for the extraordinary wisdom that apparently we both seem to have.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 114–359.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title III, add the following new section:

SEC. 3007. ENVIRONMENTAL REVIEW FOR ENERGY EXPORT FACILITIES.

Notwithstanding any other provision of law, including any other provision of this Act and any amendment made by this Act, to the extent that the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applies to the issuance of a permit for the construction, operation, or maintenance of a facility for the export of bulk commodities, no such permit may be denied until each applicable Federal agency has completed all reviews required for the facility under such Act.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, again, I applaud the committee, and particularly the staff, for the hard work they have done in putting together this comprehensive piece of legislation on energy. It has been long overdue to have that energy bill, so I am delighted it is here on the floor.

I rise today in support of an amendment which is cosponsored by my colleague from Montana, Congressman ZINKE. This amendment will ensure that no permit for a coal export facility can be denied until all reviews required under the National Environmental Policy Act, known as NEPA, have been completed.

The NEPA review process is critical to ensure that the communities can provide input on any proposed project, and it allows the developer the opportunity to work with the citizens of a community and the regulatory agency to address any concerns that may arise. Denying a permit request for a coal export facility before the NEPA process is complete would send a precedent that indicates that those voices of affected parties don't matter and diminish the value of the NEPA process.

This amendment will ensure that a regulatory agency must first take into consideration the merits of the project, voices of the people, their thoughts, concerns, and the findings of the NEPA report before acting on a permit and simply not advancing an anticoal ideology.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Mr. Chairman, time after time, Democratic Members have come to the floor to strike bad NEPA language from bills, only to be voted down by Republicans who use streamlining as a euphemism for letting polluters do whatever they want. Now they expect us to believe that they are sincere about keeping NEPA strong in one perverse scenario in which they think it could help them. Well, I don't think that passes the smell test. What is more, the amendment undermines the treaty rights of the Lummi Nation and jeopardizes the sovereignty of all tribes with rights to natural resources.

Mr. Chairman, tomorrow we will be here on the House floor to vote on the conference report for a highway bill which includes, over the opposition of many Democrats, sweeping exemptions from the requirements of the National Environmental Policy Act. I have no doubt that both of the sponsors of this amendment support those exemptions and will vote to pass the bill without a second thought about the fact that it short-circuits NEPA review for many, many infrastructure projects.

I am shocked to see them standing here with straight faces arguing that, when it benefits them and their friends in the coal industry, the NEPA process should be thorough and complete. It is a level of audacity that I think is almost laughable.

I urge my colleagues to vote ''no'' on this damaging and disingenuous amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MCKINLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana (Mr. ZINKE).

Mr. ZINKE. Mr. Chairman, to clarify, this amendment does not violate treaty rights, and to suggest it does is disingenuous and false.

This is about fairness. It is not about two tribes. It is about fairness of a process. It would be unprecedented for the Army Corps of Engineers to bypass the EIS to make a decision, and that is what this amendment does.

It is not about coal. It is not about commodities, nor is it about treaty rights because, quite frankly, the Crow Tribe in Montana has treaty rights, too. This is not to pit one poor nation against a rich nation. It is about simple fairness.

It would be unprecedented for the Army Corps of Engineers or any government body to give judgment before the process is complete, and that is what we are asking for. The EIS is the process that needs to be done.

Mr. MCKINLEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. GENE GREEN OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 114–359.

Mr. GENE GREEN of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title III, insert the following new section:

SEC. 3007. AUTHORIZATION OF CROSS-BORDER INFRASTRUCTURE PROJECTS.

(a) FINDING.—Congress finds that the United States should establish a more uniform, transparent, and modern process for the construction, connection, operation, and maintenance of pipelines and electric transmission facilities for the import and export of liquid products, including water and petroleum, and natural gas and the transmission of electricity to and from Canada and Mexico.

(b) AUTHORIZATION OF CERTAIN INFRASTRUCTURE PROJECTS AT THE NATIONAL BOUNDARY OF THE UNITED STATES.—

(1) REQUIREMENT.—No person may construct, connect, operate, or maintain a cross-border segment of a pipeline or electric transmission facility for the import or export of liquid products or natural gas, or the transmission of electricity, to or from Canada or Mexico without obtaining a certificate of crossing for such construction, connection, operation, or maintenance under this subsection.

(2) CERTIFICATE OF CROSSING.—

(A) ISSUANCE.—

(i) IN GENERAL.—Not later than 120 days after final action is taken under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a cross-border segment described in paragraph (1), the relevant official identified under subparagraph (B), in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the cross-border segment unless the relevant official finds that the construction, connection, operation, or maintenance of the cross-border segment is not in the public interest of the United States.

(ii) NATURAL GAS.—For the purposes of natural gas pipelines, a finding with respect to the public interest under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)) shall serve as a finding under clause (i) of this subparagraph.

(B) RELEVANT OFFICIAL.—The relevant official referred to in subparagraph (A) is—

(i) the Secretary of State with respect to liquid pipelines;

(ii) the Federal Energy Regulatory Commission with respect to natural gas pipelines; and

(iii) the Secretary of Energy with respect to electric transmission facilities.

(C) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—The Secretary of Energy shall require, as a condition of issuing a certificate of crossing for an electric transmission facility, that the cross-border segment be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(i) the Electric Reliability Organization and the applicable regional entity; and

(ii) any Regional Transmission Organization or Independent System Operator with operational or functional control over the cross-border segment of the electric transmission facility.

(3) MODIFICATIONS TO EXISTING PROJECTS.—No certificate of crossing shall be required under this subsection for a change in ownership, volume expansion, downstream or upstream interconnection, or adjustment to maintain flow (such as a reduction or increase in the number of pump or compressor stations) with respect to a liquid or natural gas pipeline or electric transmission facility unless such modification would result in a significant impact at the national boundary.

(4) EFFECT OF OTHER LAWS.—Nothing in this subsection shall affect the application of any other Federal statute (including the Natural Gas Act and the Energy Policy and Conservation Act) to a project for which a certificate of crossing is sought under this subsection.

(c) IMPORTATION OR EXPORTATION OF NATURAL GAS TO CANADA AND MEXICO.—Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended by adding at the end the following: ''In the case of an application for the importation or exportation of natural gas to or from Canada or Mexico, the Commission shall grant the application not later than 30 days after the date of receipt of the complete application.''.

(d) TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.—

(1) REPEAL OF REQUIREMENT TO SECURE ORDER.—Section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) STATE REGULATIONS.—Section 202(f) of the Federal Power Act (16 U.S.C. 824a(f)) is amended by striking ''insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202(e)''.

(B) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–4(b)) is amended by striking ''the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act'' and all that follows through the period at the end and inserting ''the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary''.

(e) EFFECTIVE DATE; RULEMAKING DEADLINES.—

(1) EFFECTIVE DATE.—Subsections (b) through (d), and the amendments made by such subsections, shall take effect on January 20, 2017.

(2) RULEMAKING DEADLINES.—Each relevant official described in subsection (b)(2)(B) shall—

(A) not later than 180 days after the date of enactment of this Act, publish in the Federal Register notice of a proposed rulemaking to carry out the applicable requirements of subsection (b); and

(B) not later than 1 year after the date of enactment of this Act, publish in the Federal Register a final rule to carry out the applicable requirements of subsection (b).

(f) DEFINITIONS.—In this section—

(1) the term ''cross-border segment'' means the portion of a liquid or natural gas pipeline or electric transmission facility that is located at the national boundary of the United States with either Canada or Mexico;

(2) the terms ''Electric Reliability Organization'' and ''regional entity'' have the meanings given those terms in section 215 of the Federal Power Act (16 U.S.C. 824o);

(3) the terms ''Independent System Operator'' and ''Regional Transmission Organization'' have the meanings given those terms in section 3 of the Federal Power Act (16 U.S.C. 796);

(4) the term ''liquid'' includes water, petroleum, petroleum product, and any other substance that flows through a pipeline other than natural gas; and

(5) the term ''natural gas'' has the meaning given that term in section 2 of the Natural Gas Act (15 U.S.C. 717a).

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Texas (Mr. GENE GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GENE GREEN of Texas. I yield myself such time as I may consume.

Mr. Chairman, I rise in support of an amendment that would create regulatory certainty with our neighbors, Canada and Mexico.

The Presidential permitting process dates back many administrations. Beginning in the administration of Ulysses S. Grant, the executive branch has taken steps to ensure our cross-border infrastructure between Canada and Mexico was constructed.

These past administrations and, indeed, the current administration have been forced to use executive orders because Congress has failed to act. Congress has a duty to regulate the commerce of the United States, and cross-border energy infrastructure projects fall well within that space.

We need to create a system with our neighbors, Mexico and Canada, to truly create a North American energy market, and that is what this amendment would do. We can't build infrastructure in this country or in this continent based on who sits in the White House.

There are 11 cross-border projects awaiting a decision now by the Department of State and the President, including electricity wires and water pipelines.

It is Congress' responsibility to create regulatory rules by which infrastructure is constructed. As a reminder of this, tomorrow we will pass the conference report to the FAST Act. The FAST Act is a multiyear transportation bill that shows our determination to build infrastructure for the 21st century. Now we must build on that success and focus on our energy infrastructure.

This amendment would create a regulatory process at the Department of State, Department of Energy, and the Federal Energy Regulatory Commission to permit cross-border infrastructure. This is no different than building roads, bridges, or railways.

The Department of Transportation coordinates with Federal, State, and local agencies to ensure the project is completed and the environment protected. We will do the same thing with pipes and wires. We need to build electric transmission lines and pipelines to move resources from where they are to where they are needed.

The amendment complies with the National Environmental Policy Act and requires a full environmental review of any cross-border facility, including analysis of the climate change impacts. The entire length of the pipeline or electric transmission line will be reviewed for environmental impacts.

This amendment is about the future and how to meet the 21st century demands that our country needs. We should embrace the changes taking place in North America and harmonize our policies with those of our neighbors both to the north and south.

Mr. Chairman, I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Mr. Chairman, this amendment makes an end run around the National Environmental Policy Act. The amendment would simply eliminate any meaningful review of the environmental impact of large trans-boundary infrastructure projects by redefining and significantly narrowing the scope of NEPA's environmental review.

While a traditional NEPA review looks at the impacts of an entire project, this amendment restricts NEPA review only to that small portion that physically crosses the border, and that defies common sense. We are talking about massive projects that are more than just at border crossing.

When we approve a trans-boundary pipeline or transmission line, we are approving multibillion-dollar infrastructures that may stretch hundreds of miles and will last for decades. They cross through private property, water bodies, farms, sensitive lands, and over aquifers. They carry substances that can catch fire or spill and pollute the environment, and they have profound implications for climate change.

To understand the potential environmental impact of an energy project, we need to look at the project as a whole.

To ignore the potential environmental or safety risks for every part of the project except the tiny sliver of land at the national boundary makes no sense.

Imagine going to the doctor if you are feeling sick, and the doctor gives you a clean bill of health after looking only at your elbow. That is what this amendment does by redefining the scope of NEPA's inquiry to only encompass the step across the border. It makes the process of environmental review essentially meaningless, and no meaningful review means no opportunity to mitigate potential harm to public health, public safety, or the environment.

Mr. Chairman, NEPA provides policymakers with a critical tool to understand potential impacts and consider lower impact alternatives. NEPA doesn't dictate the outcome or, by itself, impose any constraints on projects.

□ 1700

Fundamentally, it requires us to look before we leap, and that is just basic common sense. We should not be punching loopholes in this law.

But the amendment doesn't just stop there. It also creates a rebuttable presumption that every cross-border project is in the public interest, tipping the scale in favor of their approval. And that is a subtle but significant change. Coupled with the small portion of projects being reviewed, the amendment makes it virtually impossible to ever prove that a project is not in the public interest.

Proponents of this amendment argue that a new process is necessary for reviewing and approving cross-border projects, but if Congress is going to establish new permitting rules through legislation, it should do so in a thoughtful and balanced way. Instead, this amendment creates a process that rubber stamps projects and eliminates meaningful environmental review and public participation.

Frankly, this amendment is just another attempt to bring TransCanada's Keystone XL pipeline back from the grave. The President has already rejected their application, and we have wasted enough time on this Canadian pipe dream.

The Keystone XL pipeline is a lose-lose proposition for energy security, a lose-lose for safe climate and a healthy environment. And we shouldn't be trying to create a weaker approval process to provide a new pathway for its approval.

Adoption of this amendment will undoubtedly benefit TransCanada and other multinational oil companies but will not help the American people that we are here to represent.

Mr. Chairman, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. GENE GREEN of Texas. Mr. Chairman, my good friend from New Jersey is actually incorrect. This amendment passed the House last session and didn't pass in the Senate. But it does have the NEPA process throughout, whether it is a pipeline or transmission line, from literally not just the border but also to the destination.

And it is not just Keystone. We have natural gas pipelines being built from Texas to Mexico. Twenty years from now, we will need those pipelines reversed to bring natural gas from Mexico to my chemical industries. That is what this amendment is about.

I yield the balance of my time to the gentleman from Michigan (Mr. UPTON), the chair of the Energy and Commerce Committee.

Mr. UPTON. Mr. Chairman, the Green amendment is very similar to the bill that I introduced last Congress and, as we know, did pass the House with some bipartisan support.

This amendment establishes a straightforward and predictable procedure to permit cross-border pipelines and electric transmission facilities.

It is not Keystone. We are over that battle. It is time to move beyond that. But we want certainty in these things.

This is an important amendment. In order for the U.S. to fully benefit from our energy abundance, we have to encourage rather than obstruct trade with our good neighbors, particularly the Canadians, as well as the Mexicans—an energy policy that works.

Let's do this. The amendment is a good one.

Mr. GENE GREEN of Texas. Mr. Chairman, I just want to encourage Members to support the amendment. We need to bring our country and our trading partners on the north and south border together on energy issues. I encourage an ''aye'' vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. GENE GREEN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PALLONE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Acting CHAIR. The Chair understands that amendment No. 15 will not be offered.

AMENDMENT NO. 16 OFFERED BY MR. TAKANO

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 114–359.

Mr. TAKANO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 133, after line 19, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 4114. BATTERY STORAGE REPORT.

Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the potential of battery energy storage that answers the following questions:

(1) How do existing Federal standards impact the development and deployment of battery storage systems?

(2) What are the benefits of using existing battery storage technology, and what challenges exist to their widespread use? What are some examples of existing battery storage projects providing these benefits?

(3) What potential impact could large-scale battery storage and behind-the-meter battery storage have on renewable energy utilization?

(4) What is the potential of battery technology for grid-scale use nationwide? What is the potential impact of battery technology on the national grid capabilities?

(5) How much economic activity associated with large-scale and behind-the-meter battery storage technology is located in the United States? How many jobs do these industries account for?

(6) What policies other than the Renewable Energy Investment Tax Credit have research and available data shown to promote renewable energy use and storage technology deployment by State and local governments or private end-users?

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from California (Mr. TAKANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. TAKANO. Mr. Chairman, I rise today in support of this bipartisan amendment which brings us one step closer to realizing the enormous potential of battery energy storage.

This technology is capable of transforming our energy landscape by storing power in times of excess production and releasing power in times of excess demand. It can make our grid more reliable and secure. It can save consumers money by replacing costly gas-powered peaker stations.

And, perhaps most importantly, it is compatible with any source of energy. Its compatibility with multiple power sources means we aren't picking winners and losers. Rather, we are increasing our capacity to use all sources of energy.

Battery energy storage is particularly promising in its ability to unlock the power of renewables, leading to a cleaner, more sustainable energy portfolio.

Even as the cost of renewable energy sources drops closer to that of fossil fuels, the viability of wind and solar power is limited by inconsistency. Put simply, the wind doesn't always blow and the sun doesn't always shine. Battery energy storage offers a solution to this challenge.

This week at the climate summit in Paris, we have heard about the importance of innovation in reaching our environmental goals. Battery storage is exactly the type of revolutionary technology that will help get us there, creating new jobs and economic growth in the process.

A GAO report on large-scale battery storage will help us make informed decisions about accelerating its growth while signaling our commitment to supporting the next chapter in America's energy infrastructure.

I am thankful to be joined by Mr. COLLINS of New York as well as my good friend Mr. HONDA of California.

Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition. Although am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. UPTON. Mr. Chairman, I support the amendment.

I would note Mr. COLLINS is a member of our committee. He is a cosponsor of the amendment.

It is a good amendment. It needs to be included as part of this. I would urge my colleagues to vote ''yes.''

Mr. Chairman, I yield back the balance of my time.

Mr. TAKANO. I thank the chairman for supporting this bipartisan amendment. I am honored to have that support. I encourage its adoption.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. TAKANO).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. BEYER

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 114–359.

Mr. BEYER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike page 147, line 9, through page 149, line 6.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Virginia (Mr. BEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BEYER. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, my amendment preserves section 433.

H.R. 8, the North American Energy Security and Infrastructure Act, deliberately removes the energy usage goals for Federal buildings.

In 2007, under the Energy Independence and Security Act, our last energy infrastructure overhaul bill, a provision was included that set a goal for new Federal buildings to have net-zero energy usage by 2030. This naturally also meant the Federal Government would have a corresponding goal of reducing fossil-fuel-generated electricity consumption in its buildings.

This provision was forward-thinking. The Federal Government will lead by example in the transition to less-polluting buildings and show what the next generation of infrastructure should look like.

Now is not the time to roll back this goal and abandon our leadership. When people mention how H.R. 8 would take us back to a 19th century economy, this is one clear example they can point to.

Commercial and residential buildings account for 39 percent of the Nation's carbon emissions. To ignore this source of pollution at a time when we are trying to keep temperatures from rising less than 2 degrees centigrade isn't just negligent, it ignores our responsibility to be a good steward of the Earth and leave it in good condition for generations to come.

With the Federal Government as the largest consumer of energy in the U.S., we must be the leader. This effort is under attack because of outdated feasibility concerns—concerns which have already been addressed. Last year, the Department of Energy proposed a rule that charts a path forward to reach the 2030 goal that is both technically possible and plausible.

I also want to address some myths about section 433. Some have characterized it as ''a ban on the Federal Government using energy from fossil fuel,'' but the law does no such thing. In fact, at no point does this provision in the current law require zero fossil fuel use for any building designed or renovated before 2030.

And despite objections from my friends at the American Gas Association, the Department of Energy actually proposed carve-outs for onsite natural gas usage in highly efficient combined heat and power systems. Natural gas may actually be an important part of the solution of getting to net-zero energy usage.

Requiring Federal buildings to meet aggressive energy targets not only reduces taxpayer costs through energy savings, it also reduces our dependence on foreign oil and leverages the government's large purchasing power to bring new technologies and materials to the marketplace. If we eliminate section 433, it could cost American consumers $700 million in savings over the next 25 years.

According to the American Institute of Architects, not only are the current targets achievable, but some buildings are already meeting the 2030 goals right now. The EU has adopted a similar goal but with a shorter time horizon.

Mr. Chair, during my 4 years in Switzerland, we cut the carbon footprint of the U.S. Embassy in half and reduced the carbon footprint of our home to zero.

In 2013, Walgreens opened a net-zero energy retail space in Evanston, Illinois. In 2015, a True Value hardware store was the first net-zero retail store in New York State.

Within the Federal Government, our military has also taken a lead on this important effort and used the goal as a means to reduce costs and increase energy security. From 2007 to 2013, the Federal Government reduced its annual energy usage by 7 percent while we continue to grow.

We must continue to encourage these energy reduction efforts. We learned a long time ago in business that if we don't have a goal we never get there. We have to have a target that we can all work to meet.

I urge my colleagues to support my amendment to reinstate the energy usage goals for Federal buildings.

Mr. Chairman, I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Chairman, with all due regard to the gentleman who is offering this amendment, I rise to oppose the amendment, which would reinstate the provisions of section 433 which prohibit the use of fossil fuels in new and modified Federal buildings after the year 2030.

Now, it is true that the Department of Energy is trying to thread a needle through regulations that might allow fossil fuels to be used in new and modified Federal buildings after 2030. But we know the reality is that every environmental group in the country will file a lawsuit against that regulation when it comes out if it is interpreted in any way that fossil fuels might be used.

I am really shocked that people would be opposed to our wanting to use fossil fuels after the year 2030. We are not mandating that they be used, but everyone that comes to this floor, and particularly President Obama when he goes anywhere, talk about an all-of-the-above energy policy, and yet the 2007 Energy Policy Act prohibits fossil fuel use in new and modified Federal buildings after the year 2030.

Our base bill does not mandate the use. It simply says, basically, that the government will be able to do it if it is necessary. So why should the Federal Government not allow the opportunity to use any fossil fuel after 2030?

We already have a Federal debt approaching $20 trillion. Natural gas prices are pretty low right now, but let's say they go up. Let's say that renewables go up, that for some reason maybe using coal is more economical, and using a ultra-supercritical facility.

We know that the President does not want to build any new coal-powered plants because regulations now prohibit that. We think it is important that we have an all-of-the-above energy policy. Our base bill allows that even in government buildings.

And so, for that reason, I would respectfully oppose the gentleman's amendment and ask that Members vote against the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. BEYER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WHITFIELD. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 114–359.

Mr. PETERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of chapter 1 of subtitle A of title IV, add the following:

SEC. _____. REPORT ON ENERGY SAVINGS AND GREENHOUSE GAS EMISSIONS REDUCTION FROM CONVERSION OF CAPTURED METHANE TO ENERGY.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with appropriate Federal agencies and relevant stakeholders, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of captured methane converted for energy and power generation on Federal lands, Federal buildings, and relevant municipalities that use such generation, and the return on investment and reduction in greenhouse gas emissions of utilizing such power generation.

(b) CONTENTS.—The report shall include—

(1) a summary of energy performance and savings resulting from the utilization of such power generation, including short-term and long-term (20 years) projections of such savings; and

(2) an analysis of the reduction in greenhouse emissions resulting from the utilization of such power generation.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from California (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PETERS. Mr. Chairman, my amendment to the North American Security and Infrastructure Act requires the Secretary of Energy to submit a report to Congress on the impact of captured methane converted for energy and power generation on Federal lands, buildings, and relevant municipalities.

□ 1715

The report would include a summary of energy performance and savings from using this power generation source and an analysis of the reduction in greenhouse gas emissions.

In my district in San Diego, we are putting innovative solutions to work to reduce methane emissions and create energy at the same time. At the Point Loma Wastewater Treatment Plant, methane is collected and fuels two continuously running generators. Using the methane produced onsite, the wastewater treatment plant has not only become energy self-sufficient, but is also able to sell excess power that it generates to the local energy grid, enhancing grid reliability and energy efficiency.

Another positive example of converting captured methane to energy is at landfills. In the United States, we have over 1,900 landfills, and they are the third largest source of methane emissions in the United States. This pollution threatens air quality and the public health of communities located close to the landfills themselves.

In San Diego, the Miramar Landfill spans over 1,500 acres and has been operating since 1959. Some years ago, the city, the Navy, and the private sector worked together and installed a methane-capture and energy conversion plant to supply the neighboring Marine Corps Air Station Miramar with 13.4 megawatts of energy. This plant supplies half of the base's energy, allowing it to operate as a 911 base in case of an emergency or power outage. The technology also reduced the emission of pollutants from the Miramar Landfill by 75 percent.

My amendment will simply assess how capturing methane and using it to generate energy reduces emissions, puts America on the path to a lower carbon, renewable energy future, and shares best practices among facilities that might be able to participate. So I ask my colleagues to support the amendment.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition to the amendment, even though I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. UPTON. Again, I support the amendment. We have no objection to the amendment. I think that it is worthwhile, and I urge my colleagues to support it.

I yield back the balance of my time.

Mr. PETERS. Again, I thank the chairman very much for his hard work and for his willingness to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. PETERS).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MS. SCHAKOWSKY

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 114–359.

Ms. SCHAKOWSKY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 4125.

The Acting CHAIR. Pursuant to House Resolution 542, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. SCHAKOWSKY. Mr. Chairman, my amendment would preserve an existing consumer right that has been on the books for many years, but section 4125 of this legislation would prevent consumers from pursuing breach of warranty claims against product manufacturers that inaccurately claim Energy Star compliance. As I said, in doing so, it would eliminate an existing consumer right.

While I see no justification for this change, I see the motive. The Association of Home Appliance Manufacturers, which represents 95 percent of U.S. home appliances and has endorsed this provision, wants to avoid liability.

Consumers pay a premium for Energy Star products. But they don't pay extra because they have a sense of charity; they do it because they have been promised the Energy Star appliances will enable reduced energy usage and lower operation costs. In fact, Energy Star products promise a 10 to 25 percent energy efficiency improvement as compared to Federal minimum standards. So when a manufacturer falsely claims to be Energy Star compliant, consumers are left with a more expensive product without any of the promised benefits. It amounts, really, to fraud.

In the past, manufacturers—including AHAM, the association, members Samsung, LG, and Whirlpool—have falsely claimed that their products meet Energy Star specifications. Consumers have mobilized to be compensated for those false claims, and they deserve that right. My amendment would enable them to retain it.

AHAM claims that my amendment would ''discourage robust participation'' in the Energy Star program. And frankly, I don't see that as a problem. If manufacturers can't stand by their claims of Energy Star compliance, then they shouldn't participate in the program.

Those manufacturers that continue to make Energy Star products will reap the rewards, including higher consumer demand and bigger profits, and that is a win for consumers, honest manufacturers, and the Energy Star program.

So I ask my colleagues, please, to support this amendment.

I reserve the balance of my time.

Mr. LATTA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATTA. Mr. Chairman, I rise today in opposition to the amendment to strike section 4125 of the bill, which is language that Representative WELCH and I have coauthored over the past two Congresses with bipartisan support. It was developed with a cross section of interests, including efficiency and consumer advocates, manufacturers, and the EPA.

By rejecting this amendment and keeping our language, we have an opportunity to encourage manufacturers to continue participation in the Energy Star program.

Energy Star is a highly successful, voluntary program. Consumers, manufacturers, and the government all win under Energy Star. The program was designed to be low-cost and low-compliance to incentivize participation by manufacturers, and the language included in this bill is needed to continue to incentivize participation.

For a product to be branded with the Energy Star logo, it must meet certain energy-saving guidelines. Manufacturers who choose to participate in this voluntary program make the necessary investments needed to increase the energy efficiency of their products.

In order to ensure their products maintain the required levels of efficiency, the Department of Energy performs off-the-shelf testing. If a product fails to meet the standard, that product is disqualified and then publicly listed on the Energy Star Web site. Immediately following a product's disqualification listing, the manufacturer and the EPA will then work to resolve the cause for disqualification.

It is important to note that our language does not prevent lawsuits from being filed; it just requires that a suit be filed before a product is disqualified from Energy Star.

If a product has been disqualified from the program by EPA, the EPA is best positioned to determine consumer impact and if such impact requires any action on the part of the manufacturer.

The EPA process is swift compared to legal proceedings, which could take years. If the focus is really on consumer reimbursement, shouldn't those fighting for consumer rights prefer the EPA disqualification process over class action litigation?

In the EPA disqualification process, the entire reimbursement goes to the consumer, versus a legal proceeding, where legal fees can consume large amounts of the award.

Energy Star has promoted economic expansion and job growth for participating manufacturers across the Nation. In defeating this amendment, we have an opportunity to continue to encourage participation by manufacturers instead of discouraging participation.

This section has the support of the National Association of Manufacturers, the Alliance to Save Energy, the American Council for an Energy-Efficient Economy, and the Chamber of Commerce.

Mr. Chairman, I would ask to reject the amendment.

I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Chairman, may I inquire how much time I have remaining.

The Acting CHAIR. The gentlewoman from Illinois has 2½ minutes remaining.

Ms. SCHAKOWSKY. Mr. Chairman, all this would be fine if it weren't the case that we have members of the Association of Home Appliance Manufacturers that actually have falsely claimed that their products meet Energy Star specifications. And nothing in the remedy actually says that the consumer will have the right to reclaim their money that they spent on the washer or the dryer or the appliance that was bought because they thought that they would both save energy and, over time, that they would save money as well.

As I said earlier, this rule, this law, has been in place for many years. It does not interfere with the fact that this is a voluntary program, that the companies decide if they want to participate in Energy Star to be an Energy Star product, but it does say they have to keep their promise. And they have to keep their promise not just to the EPA or to some regulatory framework; they have to keep their promise to the individual consumer who has actually laid out the bucks to buy that product.

This provides an opportunity for that consumer to be able to reclaim a product if it is found not to meet the Energy Star promise that they made of 10 to 25 percent energy efficiency improvements.

So it seems to me, why would this body go about the business of taking away a consumer right? I thought we were supposed to be in the business of trying to figure out how we are going to adequately protect consumers not in the generic sense, but in the individual sense. That is the kind of protection that we have had, and that is the kind of protection I believe that we should maintain; and this section, put in at the behest of the industry, makes no sense. I think it weights toward the manufacturers and away from the consumers something that we all want to achieve, which is more energy efficiency.

Mr. Chairman, I am very disappointed, as someone who has been a consumer advocate for a very long time in many ways, especially in terms of truth in products, truth in labeling, that we ought to be able to rely on that Energy Star label to know that it is going to give us the energy efficiency that we paid for and that, if it doesn't, we do have a remedy. Those remedies tend to make the manufacturers even more honest. I hope we will get some support.

I yield back the balance of my time.

Mr. LATTA. Mr. Chairman, again, I would urge defeat of the amendment because we want to make sure that manufacturers are still encouraged to participate in the Energy Star program, which has been highly successful.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. LATTA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois will be postponed.

AMENDMENT NO. 20 OFFERED BY MRS. BROOKS OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 114–359.

Mrs. BROOKS of Indiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of chapter 2 of subtitle A of title IV, insert the following:

SEC. 4128. ENERGY SAVINGS FROM LUBRICATING OIL.

Not later than one year after the date of enactment of this Act, the Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and the Director of Management and Budget, shall—

(1) review and update the report prepared pursuant to section 1838 of the Energy Policy Act of 2005;

(2) after consultation with relevant Federal, State, and local agencies and affected industry and stakeholder groups, update data that was used in preparing that report; and

(3) prepare and submit to Congress a coordinated Federal strategy to increase the beneficial reuse of used lubricating oil, that—

(A) is consistent with national policy as established pursuant to section 2 of the Used Oil Recycling Act of 1980 (Public Law 96-463); and

(B) addresses measures needed to—

(i) increase the responsible collection of used oil;

(ii) disseminate public information concerning sustainable reuse options for used oil; and

(iii) promote sustainable reuse of used oil by Federal agencies, recipients of Federal grant funds, entities contracting with the Federal Government, and the general public.

The Acting CHAIR. Pursuant to House Resolution 542, the gentlewoman from Indiana (Mrs. BROOKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Indiana.

Mrs. BROOKS of Indiana. Mr. Chairman, my amendment is very simple and straightforward. It calls on the Department of Energy, working together with the Environmental Protection Agency and the Office of Management and Budget, to take another look at what is now 20-year-old data about how used oil is managed in the United States and to develop comprehensive strategies to increase recycling used oil as part of a national strategy to save energy and reduce pollution.

Right now, there are options for disposal of motor oil commonly used in trucks and cars. The worst option is for that oil to be simply discarded, leading to contaminants polluting our air and water. If properly collected, the oil can be burned once for use as low-cost fuel.

However, the best option uses modern technology which now exists to collect and sustainably recycle used oil. These refining techniques can now produce a product that is the quality equivalent to fresh virgin base oils. So this option also maximizes the benefits by conserving most of the energy needed to make oil while cutting emissions of carbon and other harmful pollutants.

Re-refining can turn what used to be a waste product into an infinitely renewable resource. And not only does this re-refined oil meet government and industry specifications, but it is also cost-competitive, reduces waste, and reduces emissions.

Earlier studies done by DOE as well as our national labs show that used motor oil is a valuable and reusable energy resource.

As the motor sports capital of the world—Indianapolis, that is—it is no surprise that Indiana has traditionally been a leader in recycling and re-refining oil. We have two major used oil refineries in Indiana employing almost 1,000 people, and our State has a proud tradition of utilizing this product and promoting its technology.

□ 1730

Re-refined oil is already being actively used by DOD and other Federal agencies, public and commercial fleets, and average consumers with great success. However, far too little of our used oil is recycled in this way. So my amendment is intended to increase conservation and sustainable reuse.

The last major Federal study was called for in the Energy Policy Act of 2005. That study was issued in 2006, but relied on data that was then 10 years old. Now that data is 20 years old.

My amendment will require the DOE to update that data so that we know how much oil is available and how much is actually being reused and re-refined. Data from 20 years ago showed that the United States was well behind other developed and even some developing countries in terms of sustainable reuse.

Mr. Chairman, this amendment will also provide for the development of policies that can significantly increase both the collection rate and sustainable reuse of this valuable resource

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, this amendment calls on the Department of Energy to review and update the data use for a 9-year-old Federal study on oil recycling. It is a good amendment. It promotes recycling of used lubricating oil to save energy, minimize disposal into landfills, and improves public information concerning sustainable reuse options.

It is a good amendment. I would like to see it adopted.

Mrs. BROOKS of Indiana. Mr. Chairman, I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. BROOKS).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. UPTON

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 114–359.

Mr. UPTON. Mr. Chairman, as the designee of the gentlewoman from North Carolina (Mrs. ELLMERS), I offer amendment No. 21.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of chapter 2 of subtitle A of title IV, add the following:

SEC. _____. DEFINITION OF EXTERNAL POWER SUPPLY.

Section 321(36)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(36)(A)) is amended—

(1) by striking the subparagraph designation and all that follows through ''The term'' and inserting the following:

''(A) EXTERNAL POWER SUPPLY.—

''(i) IN GENERAL.—The term''; and

(2) by adding at the end the following:

''(ii) EXCLUSION.—The term 'external power supply' does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and power—

''(I) light-emitting diodes providing illumination; or

''(II) organic light-emitting diodes providing illumination.''.

SEC. _____. STANDARDS FOR POWER SUPPLY CIRCUITS CONNECTED TO LEDS OR OLEDS.

(a) IN GENERAL.—Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) is amended by adding at the end the following:

''(6) POWER SUPPLY CIRCUITS CONNECTED TO LEDS OR OLEDS.—Notwithstanding the exclusion described in section 321(36)(A)(ii), the Secretary may prescribe, in accordance with subsections (o) and (p) and section 322(b), an energy conservation standard for a power supply circuit, driver, or device that is designed primarily to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination.''.

(b) ENERGY CONSERVATION STANDARDS.—Section 346 of the Energy Policy and Conservation Act (42 U.S.C. 6317) is amended by adding at the end the following:

''(g) ENERGY CONSERVATION STANDARD FOR POWER SUPPLY CIRCUITS CONNECTED TO LEDS OR OLEDS.—Not earlier than 1 year after applicable testing requirements are prescribed under section 343, the Secretary may prescribe an energy conservation standard for a power supply circuit, driver, or device that is designed primarily to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination.''.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I won't take the full 5 minutes.

Mr. Chairman, I offer this in lieu of Mrs. ELLMERS. It is a simple, technical fix to DOE's external power supply rule. I am not aware of any opposition.

Mr. Chairman, I urge my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

Mrs. ELLMERS of North Carolina. Mr. Speaker, I rise today in support of this bipartisan and commonsense amendment that would provide certainty to manufacturers and resolve this DOE rule.

I would also like to thank my colleagues DEGETTE, POMPEO and DENT for working with me on this issue.

This problem stems from an overly broad interpretation of a provision within the Energy Policy Act of 2005 in which Congress directed DOE to set energy efficiency standards for External Power Supplies.

DOE is now attempting to regulate a product that was not in the marketplace at the time Congress directed the department to set External Power Supple Standards.

Because of DOE's interpretation, other products—such as LED Drivers not intended for regulation—are now a facing regulation under the EPS rule.

This problem is, sadly, just another example of DOE expanding the scope of their rulemakings and capturing products that were not intended by Congress.

Thankfully, my amendment resolves the problem for this technology and prevents it from being included in other broad rulemakings.

The lighting industry is already strenuously regulated for energy efficiency, accounting for 20 percent of DOE's total efficiency regulations.

Regulations like this have had a negative impact of 750 million dollars to U.S. lighting manufacturers.

This regulation will only stifle innovation, ultimately leading to less energy efficient products and higher energy prices for consumers.

Manufacturers cannot operate in an uncertain marketplace and without Congressional action, this rule will unintentionally threaten thousands of jobs.

In North Carolina alone this industry provides over 3,000 jobs.

I urge my colleagues to join this bipartisan effort.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. TONKO

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 114–359.

Mr. TONKO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In chapter 2 of subtitle A of title IV, add at the end the following new section:

SEC. 4128. WEATHERIZATION ASSISTANCE AND STATE ENERGY PROGRAMS.

(a) REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''appropriated—'' and all that follows through the period at the end and inserting ''appropriated $450,000,000 for each of fiscal years 2016 through 2020.''.

(b) REAUTHORIZATION OF STATE ENERGY PROGRAMS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''$125,000,000 for each of fiscal years 2007 through 2012'' and inserting ''$75,000,000 for each of fiscal years 2016 through 2020''.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Mr. Chairman, my amendment reauthorizes two existing programs, the Weatherization Assistance Program and the State Energy Program.

Both of these programs have been operating successfully for many years. The Federal dollars delivered through these programs leverage additional funding from our States and the private sector. These programs address real problems. They are effective, and they create and sustain jobs.

As we heard during debate yesterday, H.R. 8 does very little to advance energy efficiency, an issue that has enjoyed strong, bipartisan support in the past. In fact, some provisions are more likely to be a setback to efficiency standards. While this bill contains plenty of benefits for energy suppliers, there is very little in there designed to address the needs of average Americans.

The Weatherization Assistance Program supports State-based programs to improve the energy efficiency of the homes of low-income families. The Department of Energy provides grants to the States, United States territories, and tribal governments to deliver these services through local weatherization agencies. The weatherization measures used include air sealing, wall and attic insulation, duct sealing, and furnace repair and replacement.

Mr. Chairman, the benefits of weatherization are well known and result in a reduced energy bill for many years into the future. Insulating our walls and our roofs, for example, can provide savings for the lifetime of a house. Other measures, such as making heating or cooling equipment more efficient, can provide savings for more than a decade.

Since 1976, the Weatherization Assistance Program has helped improve the lives of more than 7 million families by reducing their electricity bills. The program provides energy efficiency services to thousands of homes every year, reducing average costs by more than $400 per household in annual utility bills.

Investments in energy efficiency pay for themselves over time, but the upfront costs can be significant, and when a family's budget is severely limited, those costs are simply too high.

The Weatherization Assistance Program helps those in our communities who do not have the financial resources to make energy efficiency investments on their own. That includes our elderly, our disabled, and our low-income families.

These vulnerable households are often on fixed incomes and are the most susceptible to volatile changes in electricity prices. They are particularly vulnerable to spikes in electricity bills during heat waves or cold weather due to poor insulation or inefficient appliances.

A sudden increase in expenses is difficult to manage for many of our families. Low-income families already spend a disproportionate amount of their income on energy costs.

Mr. Chairman, the State Energy Program provides funding to the States to support the work of their energy offices. It ensures that each State will have basic funding available to support its programs.

These offices play a role in helping States define the least costly ways to meet State goals for energy efficiency, for air quality, for fuel diversity, and for energy security.

According to a study by the Oak Ridge National Laboratory, the State Energy Program often leverages, for every 1 Federal dollar, $10.71 in State and private funds. That is a great return on investment.

Congress reauthorized these programs back in 2007 for a 5-year period at about $1 billion per year for Weatherization and $125 million per year for the State Energy Program.

My amendment authorizes the Weatherization Assistance Program for another 5 years, but at lower levels—$450 million per year—and the State Energy Program is authorized for 5 years at $75 million per year.

These are robust authorization levels for certain. While I believe these programs should be appropriated even more funding, this amendment authorizes them at lower levels to be more in tune with today's fiscal constraints.

Mr. Chairman, I ask my colleagues to support my amendment and to help to extend the benefits of energy efficiency to our families so that more families can be supported by local jobs, businesses, and certainly contractors that do this extremely important work.

Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chairman, I do so to oppose the amendment because, as we all know, this amendment reauthorizes the Federal Weatherization Assistance Program at $2.2 billion through 2020 and the State Energy Program at $375 million through 2020.

But our feeling is that it is not needed because the Department of Energy's Weatherization Assistance Program is already extremely well funded.

I support weatherization, as I think most of our colleagues on both sides of the aisle do, but Congress has been funding the program at or near the Department's requested levels.

So this is, in essence, billions above in new spending on an existing program that the Department of Energy has not requested.

I would note that the 2009 stimulus bill included an extra $5 billion to the Department of Energy for weatherization, roughly 17 times what was originally appropriated for that year.

Furthermore, using experiments considered the gold standard for evidence, researchers from UC Berkeley, MIT, and the University of Chicago recently released a report on a first-of-its-kind field test of the Federal Weatherization Assistance Program.

The study found that the costs of energy efficiency investments were about double the actual savings, that model-projected savings are 2½ times the actual savings, and that, even when accounting for the broader societal benefits of energy efficiency investments, the costs will substantially outweigh the benefits. The average rate of return is a minus 9½ percent annually.

So, Mr. Chairman, the overall legislation today that is before us is extremely specific in authorizing budget-neutral spending for energy security efforts only. Authorizing additional money—beyond requested amounts—as this Weatherization amendment does, does not have the offset.

Therefore, I would ask my colleagues to vote ''no'' on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. TONKO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, certainly the numbers here speak to the most vulnerable in our society. There are waiting lists that I know exist in States. There are more things we can do for energy efficiency's sake for our most stressed family budgets.

This is a situation where energy costs, as a wedge of the pie for our poor families for their household budgets, is far greater a slice than it is for the average residents of this country. This is a hardhearted approach taken to our elderly, to our low-income families, and to the disabled.

Also, Mr. Chairman, I would suggest that our goal here should be to be as resourceful as possible with our energy mix across this country. Anytime we can reduce consumption we are doing a big thing for all ratepayers. The statements show a missing of the focus that is needed.

Finally, to the study, it was a one-State, one-utility study. It was not peer reviewed. It was flawed. It did not really suggest to show the real issues out there for this program.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TONKO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from New York will be postponed.

AMENDMENT NO. 23 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 114–359.

Ms. CASTOR of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In subtitle A of title IV, add at the end the following new chapter:

CHAPTER 8—LOCAL ENERGY SUPPLY AND RESILIENCY

SEC. 4181. DEFINITIONS.

In this chapter:

(1) COMBINED HEAT AND POWER SYSTEM.—The term ''combined heat and power system'' means generation of electric energy and heat in a single, integrated system that meets the efficiency criteria in clauses (ii) and (iii) of section 48(c)(3)(A) of the Internal Revenue Code of 1986, under which heat that is conventionally rejected is recovered and used to meet thermal energy requirements.

(2) DEMAND RESPONSE.—The term ''demand response'' means changes in electric usage by electric utility customers from the normal consumption patterns of the customers in response to—

(A) changes in the price of electricity over time; or

(B) incentive payments designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized.

(3) DISTRIBUTED ENERGY.—The term ''distributed energy'' means energy sources and systems that—

(A) produce electric or thermal energy close to the point of use using renewable energy resources or waste thermal energy;

(B) generate electricity using a combined heat and power system;

(C) distribute electricity in microgrids;

(D) store electric or thermal energy; or

(E) distribute thermal energy or transfer thermal energy to building heating and cooling systems through a district energy system.

(4) DISTRICT ENERGY SYSTEM.—The term ''district energy system'' means a system that provides thermal energy to buildings and other energy consumers from 1 or more plants to individual buildings to provide space heating, air conditioning, domestic hot water, industrial process energy, and other end uses.

(5) ISLANDING.—The term ''islanding'' means a distributed generator or energy storage device continuing to power a location in the absence of electric power from the primary source.

(6) LOAN.—The term ''loan'' has the meaning given the term ''direct loan'' in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) MICROGRID.—The term ''microgrid'' means an integrated energy system consisting of interconnected loads and distributed energy resources, including generators and energy storage devices, within clearly defined electrical boundaries that—

(A) acts as a single controllable entity with respect to the grid; and

(B) can connect and disconnect from the grid to operate in both grid-connected mode and island mode.

(8) RENEWABLE ENERGY SOURCE.—The term ''renewable energy source'' includes—

(A) biomass;

(B) geothermal energy;

(C) hydropower;

(D) landfill gas;

(E) municipal solid waste;

(F) ocean (including tidal, wave, current, and thermal) energy;

(G) organic waste;

(H) photosynthetic processes;

(I) photovoltaic energy;

(J) solar energy; and

(K) wind.

(9) RENEWABLE THERMAL ENERGY.—The term ''renewable thermal energy'' means heating or cooling energy derived from a renewable energy resource.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(11) THERMAL ENERGY.—The term ''thermal energy'' means—

(A) heating energy in the form of hot water or steam that is used to provide space heating, domestic hot water, or process heat; or

(B) cooling energy in the form of chilled water, ice, or other media that is used to provide air conditioning, or process cooling.

(12) WASTE THERMAL ENERGY.—The term ''waste thermal energy'' means energy that—

(A) is contained in—

(i) exhaust gases, exhaust steam, condenser water, jacket cooling heat, or lubricating oil in power generation systems;

(ii) exhaust heat, hot liquids, or flared gas from any industrial process;

(iii) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

(iv) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat;

(v) condenser water from chilled water or refrigeration plants; or

(vi) any other form of waste energy, as determined by the Secretary; and

(B)(i) in the case of an existing facility, is not being used; or

(ii) in the case of a new facility, is not conventionally used in comparable systems.

SEC. 4182. DISTRIBUTED ENERGY LOAN PROGRAM.

(a) LOAN PROGRAM.—

(1) IN GENERAL.—Subject to the provisions of this subsection and subsections (b) and (c), the Secretary shall establish a program to provide to eligible entities—

(A) loans for the deployment of distributed energy systems in a specific project; and

(B) loans to provide funding for programs to finance the deployment of multiple distributed energy systems through a revolving loan fund, credit enhancement program, or other financial assistance program.

(2) ELIGIBILITY.—Entities eligible to receive a loan under paragraph (1) include—

(A) a State, territory, or possession of the United States;

(B) a State energy office;

(C) a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

(D) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

(E) an electric utility, including—

(i) a rural electric cooperative;

(ii) a municipally owned electric utility; and

(iii) an investor-owned utility.

(3) SELECTION REQUIREMENTS.—In selecting eligible entities to receive loans under this section, the Secretary shall, to the maximum extent practicable, ensure—

(A) regional diversity among eligible entities to receive loans under this section, including participation by rural States and small States; and

(B) that specific projects selected for loans—

(i) expand on the existing technology deployment program of the Department of Energy; and

(ii) are designed to achieve 1 or more of the objectives described in paragraph (4).

(4) OBJECTIVES.—Each deployment selected for a loan under paragraph (1) shall include 1 or more of the following objectives:

(A) Improved security and resiliency of energy supply in the event of disruptions caused by extreme weather events, grid equipment or software failure, or terrorist acts.

(B) Implementation of distributed energy in order to increase use of local renewable energy resources and waste thermal energy sources.

(C) Enhanced feasibility of microgrids, demand response, or islanding;

(D) Enhanced management of peak loads for consumers and the grid.

(E) Enhanced reliability in rural areas, including high energy cost rural areas.

(5) RESTRICTION ON USE OF FUNDS.—Any eligible entity that receives a loan under paragraph (1) may only use the loan to fund programs relating to the deployment of distributed energy systems.

(b) LOAN TERMS AND CONDITIONS.—

(1) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, in providing a loan under this section, the Secretary shall provide the loan on such terms and conditions as the Secretary determines, after consultation with the Secretary of the Treasury, in accordance with this section.

(2) SPECIFIC APPROPRIATION.—No loan shall be made unless an appropriation for the full amount of the loan has been specifically provided for that purpose.

(3) REPAYMENT.—No loan shall be made unless the Secretary determines that there is reasonable prospect of repayment of the principal and interest by the borrower of the loan.

(4) INTEREST RATE.—A loan provided under this section shall bear interest at a fixed rate that is equal or approximately equal, in the determination of the Secretary, to the interest rate for Treasury securities of comparable maturity.

(5) TERM.—The term of the loan shall require full repayment over a period not to exceed the lesser of—

(A) 20 years; or

(B) 90 percent of the projected useful life of the physical asset to be financed by the loan (as determined by the Secretary).

(6) USE OF PAYMENTS.—Payments of principal and interest on the loan shall—

(A) be retained by the Secretary to support energy research and development activities; and

(B) remain available until expended, subject to such conditions as are contained in annual appropriations Acts.

(7) NO PENALTY ON EARLY REPAYMENT.—The Secretary may not assess any penalty for early repayment of a loan provided under this section.

(8) RETURN OF UNUSED PORTION.—In order to receive a loan under this section, an eligible entity shall agree to return to the general fund of the Treasury any portion of the loan amount that is unused by the eligible entity within a reasonable period of time after the date of the disbursement of the loan, as determined by the Secretary.

(9) COMPARABLE WAGE RATES.—Each laborer and mechanic employed by a contractor or subcontractor in performance of construction work financed, in whole or in part, by the loan shall be paid wages at rates not less than the rates prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(c) RULES AND PROCEDURES; DISBURSEMENT OF LOANS.—

(1) RULES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for carrying out the loan program under subsection (a).

(2) DISBURSEMENT OF LOANS.—Not later than 1 year after the date on which the rules and procedures under paragraph (1) are established, the Secretary shall disburse the initial loans provided under this section.

(d) REPORTS.—Not later than 2 years after the date of receipt of the loan, and annually thereafter for the term of the loan, an eligible entity that receives a loan under this section shall submit to the Secretary a report describing the performance of each program and activity carried out using the loan, including itemized loan performance data.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

SEC. 4183. TECHNICAL ASSISTANCE AND GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a technical assistance and grant program (referred to in this section as the ''program'')—

(A) to disseminate information and provide technical assistance directly to eligible entities so the eligible entities can identify, evaluate, plan, and design distributed energy systems; and

(B) to make grants to eligible entities so that the eligible entities may contract to obtain technical assistance to identify, evaluate, plan, and design distributed energy systems.

(2) TECHNICAL ASSISTANCE.—The technical assistance described in paragraph (1) shall include assistance with 1 or more of the following activities relating to distributed energy systems:

(A) Identification of opportunities to use distributed energy systems.

(B) Assessment of technical and economic characteristics.

(C) Utility interconnection.

(D) Permitting and siting issues.

(E) Business planning and financial analysis.

(F) Engineering design.

(3) INFORMATION DISSEMINATION.—The information disseminated under paragraph (1)(A) shall include—

(A) information relating to the topics described in paragraph (2), including case studies of successful examples;

(B) computer software and databases for assessment, design, and operation and maintenance of distributed energy systems; and

(C) public databases that track the operation and deployment of existing and planned distributed energy systems.

(b) ELIGIBILITY.—Any nonprofit or for-profit entity shall be eligible to receive technical assistance and grants under the program.

(c) APPLICATIONS.—

(1) IN GENERAL.—An eligible entity desiring technical assistance or grants under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) APPLICATION PROCESS.—The Secretary shall seek applications for technical assistance and grants under the program—

(A) on a competitive basis; and

(B) on a periodic basis, but not less frequently than once every 12 months.

(3) PRIORITIES.—In selecting eligible entities for technical assistance and grants under the program, the Secretary shall give priority to eligible entities with projects that have the greatest potential for—

(A) facilitating the use of renewable energy resources;

(B) strengthening the reliability and resiliency of energy infrastructure to the impact of extreme weather events, power grid failures, and interruptions in supply of fossil fuels;

(C) improving the feasibility of microgrids or islanding, particularly in rural areas, including high energy cost rural areas;

(D) minimizing environmental impact, including regulated air pollutants and greenhouse gas emissions; and

(E) maximizing local job creation.

(d) GRANTS.—On application by an eligible entity, the Secretary may award grants to the eligible entity to provide funds to cover not more than—

(1) 100 percent of the costs of the initial assessment to identify opportunities;

(2) 75 percent of the cost of feasibility studies to assess the potential for the implementation;

(3) 60 percent of the cost of guidance on overcoming barriers to implementation, including financial, contracting, siting, and permitting issues; and

(4) 45 percent of the cost of detailed engineering.

(e) RULES AND PROCEDURES.—

(1) RULES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for carrying out the program.

(2) GRANTS.—Not later than 120 days after the date of issuance of the rules and procedures for the program, the Secretary shall issue grants under this chapter.

(f) REPORTS.—The Secretary shall submit to Congress and make available to the public—

(1) not less frequently than once every 2 years, a report describing the performance of the program under this section, including a synthesis and analysis of the information provided in the reports submitted to the Secretary under section 4181(c); and

(2) on termination of the program under this section, an assessment of the success of, and education provided by, the measures carried out by eligible entities during the term of the program.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for the period of fiscal years 2016 through 2020, to remain available until expended.

The Acting CHAIR. Pursuant to House Resolution 542, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR of Florida. Mr. Chairman, my amendment focuses on thermal energy and combined heat power, which are essential to a smart energy future for our country, but they are often overlooked components of our national energy supply.

In the United States, up to 36 percent of the total energy produced is lost from power plants, industrial facilities, and buildings in the form of waste heat. My amendment will help industry, universities, hospitals, and others capture that waste heat and use renewables for heating, cooling, and power generation.

Now, I want to read the definition of what is included in renewables so that everyone is aware: biomass, geothermal, hydropower, landfill gas, municipal solid waste, ocean energy, organic waste, photosynthetic processes, photovoltaic energy, solar energy, and wind.

What is happening across America are businesses and nonprofits are getting really smart about this wasted energy and they are putting it back into their facilities to save energy and save money.

The overall resilience and cost savings that can be achieved through combined heat and power and distributed energy systems is proven every day, but it was especially proven during Superstorm Sandy and other natural disasters.

During Superstorm Sandy, businesses and nonprofits, such as hospitals and universities, were able to keep the lights on and actually had heat and water in the aftermath of the storm because they have these self-contained, energy-efficient waste heat projects.

Mr. Chairman, we have also heard testimony in the Energy and Power Subcommittee extensively on the importance in the future of these smaller, distributed, locally based energy systems.

I have also seen it in my hometown in Tampa, where St. Joseph's Hospital burns the medical waste, turns it into waste heat, and they are now saving $200,000 a year on their energy bills where they can keep the lights on. They don't have to pay that out to the power company. That can go back into the care of patients.

Mr. Chairman, what my amendment proposes to do is to help overcome the financing hurdles that will be key in implementing this highly efficient and resilient energy infrastructure.

My amendment would establish an initiative to provide cost-shared funding for technical assistance for feasibility studies and engineering, and it would enable qualifying energy infrastructure projects to access lower interest debt financing through a loan guarantee program.

Industrial competitiveness will be enhanced because these businesses will be able to develop new revenue streams, reduce energy costs, reduce emissions, and enhance energy supply resiliency.

We have got to plan ahead here in America. We have got to be smarter. According to a joint DOE and EPA study, roughly 65 gigawatts of technical potential remain in the Nation's hospitals, universities, wastewater treatment plants, and other critical infrastructure.

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My amendment will help to reduce the up-front capital cost of installing these locally based energy-efficient systems. These systems have proven themselves, and we should encourage them.

So I respectfully request that the House act with an eye towards the future. Take this modest but very important step to help unleash American innovation. We know how to do this. We

can do this. Let's give our businesses, our universities, and hospitals an incentive to put waste energy to work and at the same time save some money.

I urge an ''aye'' vote on my amendment.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chairman, this amendment would establish a DOE loan program to support distributed generation. While I support some of the goals in this amendment—distributed generation, microgrids, combined heat and power—I cannot support a new loan guarantee program given the failures this administration has had in issuing loans. I remember one called Solyndra a long time ago.

In any event, this amendment is too broad. Locally grown energy may make some sense in some circumstances but not in others. There are often economic reasons to use nonlocal energy sources and to use them on a larger scale than distributed generation.

Moreover, this provision is duplicative of other DOE programs as well as tax incentives and State programs that encourage the use of distributed renewable energy.

Circumstances do vary across regions, so States should decide whether and how to encourage distributed generation. The Federal Government shouldn't be picking winners and losers.

I urge my colleagues to vote ''no.''

I yield back the balance of my time.

Ms. CASTOR of Florida. Mr. Chairman, I thank the chairman for supporting some of the goals contained in the amendment.

This is not an open-ended loan program. This is very modest, only authorized for $250 million. The appropriators will probably scale that back.

But what it does is it allows our hospitals, universities, and other industrial users across the country some upfront technical assistance that will save them a lot of money and a lot of energy on the down side. This modest investment will have a great payoff for taxpayers and for industrial users, our hospitals, and universities.

I have seen it work right in my district. I know it worked during Superstorm Sandy. We have to think with an eye to the future and act that way.

I request an ''aye'' vote on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. CASTOR of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

AMENDMENT NO. 24 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No 24 printed in House Report 114–359.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In subtitle A of title IV, add at the end the following new chapter:

CHAPTER 8—SURFACE ESTATE OWNER NOTIFICATION

SEC. 4181. SURFACE ESTATE OWNER NOTIFICATION.

The Secretary of the Interior shall—

(1) notify surface estate owners and all owners of land located within 1 mile of a proposed oil or gas lease tract in writing at least 45 days in advance of lease sales;

(2) within 10 working days after a lease is issued, notify surface estate owners and all owners of land located within 1 mile of a lease tract, regarding the identity of the lessee;

(3) notify surface estate owners and all owners of land located within 1 mile of a lease tract in writing within 10 working days concerning any subsequent decisions regarding the lease, such as modifying or waiving stipulations and approving rights-of-way; and

(4) notify surface estate owners and all owners of land located within 1 mile of a lease tract, within 5 business days after issuance of a drilling permit under a lease.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I want to explain how in many States, including my home State of Colorado, landowners—if you live in a home, you own your property, you bought it—you are not necessarily and in most cases, in fact, you are not also the owner of the minerals beneath your land. That is called a split estate.

Many, in fact most, surface estates in my State were split from their subsurface or mineral rights—severed. And Congress rewrote the rules of the Homestead Act to maintain ownership over minerals even as they gave away western lands for development.

So, again, what that means is we have suburban subdevelopments, people's homes—people live in their homes—and the Federal Government owns the mineral rights under those homes. Along with that comes the right to extract those minerals.

Unfortunately, what fails to be present in the Homestead Act is protections and notification requirements for the people who live there, the homeowners. So, in some cases, in Colorado and elsewhere, landholders and homeowners don't even know that there has been a lease or a drill permit on their land where they own the surface rights.

Literally, one day an oil company can drive up to the property and construct a horizontal drill in the middle of your backyard without notification. So you can imagine the result—harm and loss of cattle or crops, infrastructure on the property—not knowing what is occurring.

And, really, it has been amazing to see the ability of the extraction industry to operate without having to address the legitimate concerns of surface owners.

Now, my bill doesn't change all of that, and, frankly, I would like to go a lot further and will in other legislative efforts. This amendment is really a commonsense effort that is a critical first step to right those wrongs.

It would simply require that the BLM notify a landowner sitting above mineral rights that they plan to put out for bid, award, lease, or sale a drilling permit on that land.

The BLM will argue that there are notification requirements. What that means is it might be posted on a Web site or in the Federal Register. Well, I guarantee you that Mr. or Mrs. Smith in a suburban subdevelopment are not eagerly checking the Federal Register every day. They are not even generally aware that there are mineral rights under their property, nor should they have to be. They should simply get a letter in the mail saying what is happening if and when there is going to be mineral development on their property.

And I think that is a simple, commonsense step that would protect American taxpayers from undue, unreasonable burdens placed upon them and protect property rights. I really hope it is not controversial and that we can adopt this amendment.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. Mr. Chairman, I want to let my colleague from Colorado know that this is an unnecessary amendment, so I would ask Members to oppose it.

There already is a lot of built-in notification that does take place. I don't know if my colleague is aware of this or not, but when an expression of interest for leasing is made, the BLM requires that all of the surface owners, wherever this expression of interest for leasing applies to, are notified by mail.

Secondly, before a permit is issued, there is another notification to the surface owners of wherever that lease is located.

Thirdly, under the NEPA process, before the leases are even issued, the public is notified. I know this amendment talks about notifying everyone within 1 mile. The public notification is a lot broader than just 1 mile, so, actually, current law does more than what this amendment calls for.

But there are two different steps, in addition to the public notice, where the

surface landowner actually is notified by mail by a good faith effort required by the Bureau of Land Management for Federal lands.

On top of all that, Mr. Chairman, I ask opposition for this amendment because it is poorly written. It is ambiguous as to whether it is only applying to Federal lands or is broader and would include tribal lands, private lands, and things way out of the jurisdiction of the Bureau of Land Management.

But, in any case, even if it would just apply to the Federal lands, it is unnecessary. Because of the different steps that are required under the language of this amendment, it would add a lot of paperwork and red tape and really not accomplish anything more than what is already clearly accomplished two or three times under existing law.

For all those reasons, Mr. Chairman, I ask that we oppose this amendment. I know it is well-intentioned, but the law already takes care of this. This amendment, besides being poorly written, would add a lot of time and paperwork and red tape to the process right now.

I reserve the balance of my time.

Mr. POLIS. Mr. Chairman, I wish that this amendment weren't necessary. There are hundreds, if not thousands, of homeowners in Colorado who fail to be notified by the BLM.

Now, there is a good faith effort requirement, but there is no system in place to ensure that the person gets a notification. So, in effect, what happens is the agency will sign off, ''We made a good faith effort, couldn't find who the property owner was,'' and it is posted in the Federal Register or in a newspaper in an ad that the homeowner is extremely unlikely to ever see.

What we are simply saying is have a step to implement this directive that already exists. Give this meaning; give this teeth. Make sure that homeowners are actually notified in the mail, that there is an effort to actually find out who they are, and not just a bureaucratic signoff that we don't know who they are and, therefore, they are never going to find out until trucks drive onto their property.

It is a real problem, and there is a real simple, commonsense solution. I urge my colleagues to adopt it.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, just to finish this, I would say that this is an unnecessary amendment because there are already two, if not three, different times that the notice to the surface owner already takes place: once to the public at large, twice to the surface owner in particular.

Secondly, this is poorly written. I am afraid that it does not just refer strictly to Federal lands that the BLM controls, but this could apply to tribal lands and private lands. So it makes a mess in that regard.

And, thirdly, it goes 1 mile away. The current law does refer to the surface owner and accomplishes the things that the proponent of the amendment wants to accomplish, so it is unnecessary.

For those reasons, Mr. Chairman, I urge opposition to this amendment.

I yield back the balance of my time.

Mr. POLIS. Mr. Chairman, I respect my good friend and colleague from Colorado.

Part of the goal of this amendment is to ensure that the full area of disruption receives notification. So where you have a suburban subdevelopment, it is one thing for the owner under which the activity is occurring to get notice.

But keep in mind the activity also has an impact certainly within a mile radius of that activity in terms of loud noises, trucks, et cetera. Families may choose to leave town; others may choose to stick it out and make sure they are prepared for whatever activity will occur, when it occurs.

But, clearly, if there are notification aspects in the current law, which there are, they are insufficient, because I come before you telling you that there are homeowners in Colorado who have no prior word of extraction activity on their land until, literally, they see it occurring. They see trucks, they see people. They go out, they say, ''What are you doing?'' and they say, ''We are getting ready to drill.''

This happens in my State. This amendment would make sure that, more than a good faith effort that is simply signed off on by some bureaucrat and therefore waived, there is a real effort of implementation. We give full rulemaking authority to the BLM to actually come up with a system for notifying homeowners and adjacent property owners about extraction work that is occurring for the mineral rights that occur under where they live.

I hope that this is a basis of common sense from which we can build a concept of homeowner protections and surface owner rights to balance the rights that the mineral owners have. Certainly, transparency and notification is a simple one and an easy one for the BLM to implement. That is all the amendment would do.

I urge my colleagues to vote ''yes.''

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. BARTON

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 114–359.

Mr. BARTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE VII—CHANGING CRUDE OIL MARKET CONDITIONS

SEC. 7001. FINDINGS.

The Congress finds the following:

(1) The United States has enjoyed a renaissance in energy production, establishing the United States as the world's leading oil producer.

(2) By authorizing crude oil exports, the Congress can spur domestic energy production, create and preserve jobs, help maintain and strengthen our independent shipping fleet that is essential to national defense, and generate State and Federal revenues.

(3) An energy-secure United States that is a net exporter of energy has the potential to transform the security environment around the world, notably in Europe and the Middle East.

(4) For our European allies and Israel, the presence of more United States oil in the market will offer more secure supply options, which will strengthen United States strategic alliances and help curtail the use of energy as a political weapon.

(5) The 60-ship Maritime Security Fleet is a vital element of our military's strategic sealift and global response capability. It assures United States-flag ships and United States crews will be available to support the United States military when it needs to mobilize to protect our allies, and is the most prudent and economical solution to meet current and projected sealift requirements for the United States.

(6) The Maritime Security Fleet program provides a labor base of skilled American mariners who are available to crew the United States Government-owned strategic sealift fleet, as well as the United States commercial fleet, in both peace and war.

(7) The United States has reduced its oil consumption over the past decade, and increasing investment in clean energy technology and energy efficiency will lower energy prices, reduce greenhouse gas emissions, and increase national security.

SEC. 7002. REPEAL.

Section 103 of the Energy Policy and Conservation Act (42 U.S.C. 6212) and the item relating thereto in the table of contents of that Act are repealed.

SEC. 7003. NATIONAL POLICY ON OIL EXPORT RESTRICTIONS.

Notwithstanding any other provision of law, to promote the efficient exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including fossil fuels, no official of the Federal Government shall impose or enforce any restriction on the export of crude oil.

SEC. 7004. STUDIES.

(a) GREENHOUSE GAS EMISSIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall conduct, and transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of, a study on the net greenhouse gas emissions that will result from the repeal of the crude oil export ban under section 7002.

(b) CRUDE OIL EXPORT STUDY.—

(1) IN GENERAL.—The Department of Commerce, in consultation with the Department of Energy, and other departments as appropriate, shall conduct a study of the State and national implications of lifting the crude oil export ban with respect to consumers and the economy.

(2) CONTENTS.—The study conducted under paragraph (1) shall include an analysis of—

(A) the economic impact that exporting crude oil will have on the economy of the United States;

(B) the economic impact that exporting crude oil will have on consumers, taking into account impacts on energy prices;

(C) the economic impact that exporting crude oil will have on domestic manufacturing, taking into account impacts on employment; and

(D) the economic impact that exporting crude oil will have on the refining sector, taking into account impacts on employment.

(3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Bureau of Industry and Security shall submit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 7005. SAVINGS CLAUSE.

Nothing in this title limits the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.), the Trading With the Enemy Act (50 U.S.C. App. 1 et seq.), or any other provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person or government), including a foreign government that is designated as a state sponsor of terrorism, to prohibit exports.

SEC. 7006. PARTNERSHIPS WITH MINORITY SERVING INSTITUTIONS.

(a) IN GENERAL.—The Department of Energy shall continue to develop and broaden partnerships with minority serving institutions, including Hispanic Serving Institutions (HSI) and Historically Black Colleges and Universities (HBCUs) in the areas of oil and gas exploration, production, midstream, and refining.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—The Department of Energy shall encourage public-private partnerships between the energy sector and minority serving institutions, including Hispanic Serving Institutions and Historically Black Colleges and Universities.

SEC. 7007. REPORT.

Not later than 10 years after the date of enactment of this Act, the Secretary of Energy and the Secretary of Commerce shall jointly transmit to Congress a report that reviews the impact of lifting the oil export ban under this title as it relates to promoting United States energy and national security.

SEC. 7008. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Commerce shall jointly transmit to Congress a report analyzing how lifting the ban on crude oil exports will help create opportunities for veterans and women in the United States, while promoting energy and national security.

SEC. 7009. PROHIBITION ON EXPORTS OF CRUDE OIL, REFINED PETROLEUM PRODUCTS, AND PETROCHEMICAL PRODUCTS TO THE ISLAMIC REPUBLIC OF IRAN.

Nothing in this title shall be construed to authorize the export of crude oil, refined petroleum products, and petrochemical products by or through any entity or person, wherever located, subject to the jurisdiction of the United States to any entity or person located in, subject to the jurisdiction of, or sponsored by the Islamic Republic of Iran.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON. Mr. Chairman, I offer this amendment on behalf of myself, Mr. CUELLAR, Mr. FLORES, Mr. CONAWAY, and Mr. MCCAUL.

This amendment is almost identical to H.R. 702, which passed the House floor on a strong bipartisan basis several months ago with 261 votes, I believe, in favor of it.

This is necessary because, while we had hoped that H.R. 702 would be brought up in the other body as a stand-alone bill, it doesn't appear that is going to happen this session, so we want to try to put this on another vehicle that the Senate may yet bring up.

I will also point out that there are a number of larger bills in play, and there is a possibility we will try to attach it to those also.

In any event, this amendment is true to the bill that was brought up on the House floor. It is identical, with two exceptions:

One, it does not have the maritime provision to provide some additional funding for our maritime merchant marine fleet because that was not germane—not because we don't support it, but it was not germane.

And, two, we had a requirement that we do a study of the Strategic Petroleum Reserve. That is no longer necessary because that part of the bill has become law.

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Other than that, all of the amendments that were offered and accepted on both sides are in this amendment that is before us today.

We are the third largest oil producer in the world. We have the capability to significantly increase our production, but under current law, Mr. Chairman, that is not possible because it is prohibited by a law that was passed in 1975. The gist of this bill is that it would repeal that ban and allow American crude oil to be put out on the world market, just like our refined oil products are today.

I ask everybody who voted for it before to vote for it again, and for those of you who didn't see the light the last time, we are going to give you a second chance tonight to vote for it.

I want to see if there is anybody willing to stand up and be in opposition to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Chairman, ever since I got involved in public policy, which was about 40 years ago, this Nation has been crying for energy independence.

I remember my very first campaign in 1974, during the oil energy crisis, when there was all around the world no oil available and no gas available, and we wanted to be energy independent. We are actually getting close to it; although, we continue to import 25 percent of our crude oil, but maybe we are on the cusp of being energy independent.

So what does Big Oil want to do? It is not good enough that they should be the wealthiest of all corporations in America and the world. They want to take our precious and almost energy independent oil and export it.

Where is it going to go? Where is the market? China, for sure, wants oil. They are going to need to double their import of oil. So where is Big Oil going to go with our precious natural resource that we have for at least the last 40 years been trying to use to achieve energy independence?

Why would my good friend from Texas give away to Big Oil our energy independence? Why would we do that?

By the way, the 1975 law does not prohibit. It puts the hand of the government—the President and the Secretary of Commerce—on the spigot, and if it is not in America's interest to export, they can shut the spigot down. There is no such protection in this. The only hand on the spigot for the export of oil is Big Oil. There is $30 billion a year of additional revenue for Big Oil—as if they don't already have enough.

What about the rest of the Nation? Shouldn't this natural resource asset of America's be shared? It could be. Control the spigot to the benefit of the people at the gas pump. My farmers need chemicals and fertilizer coming from the oil industry. They need the pipes—they need all of the material—and they need the diesel. Oh, we can forget about the farmers. After all, Big Oil wants to ship our precious natural resource—oil—overseas, probably to China.

So why don't we put a control on this, and if it is not in the public interest, don't do it? $8.7 billion of refining infrastructure will not be built as a result of this export. Whose jobs are those? They are the American middle class', which, apparently, all of us want to protect and enhance. Those are middle class jobs. $8.7 billion of infrastructure is not going to be built in our refineries.

This is not a big deal. After all, Big Oil wants it. It is no big deal that we would take, as we move towards energy independence, the one product that is available that could diminish the 25 percent oil we currently import. No. We are simply going to ship it offshore. For whose benefit? Are the American mariners going to benefit from that? No. Are the American shipbuilders going to benefit from that? No, not at all. Who is going to benefit? Some in the oil patch will benefit for sure, and, certainly, the Big Oil companies will benefit; but will the American consumer at the gasoline pump benefit?

I have seen the studies. You can design a study that will show it, but it

means nothing. Remember this: $30 billion of oil a year is going to leave this country. For whose benefit? For Big Oil? It is not for the person at the gas pump. It is not for the farmer who is buying the diesel. It is not for the farmer who wants to buy the fertilizer. Give it away. Let them have it—as if they don't already have enough. For a century, Big Oil has been subsidized by the American public. Enough already.

I don't think this is a good idea. I don't think it is a good idea to take our crude oil and allow it to be shipped overseas with absolutely no restrictions whatsoever. You want a strong vote on this? Then make it a strong ''no'' vote.

I yield back the balance of my time.

Mr. BARTON. I will put the gentleman from California down as being undecided on the amendment.

Mr. Chairman, I yield 1 minute to the gentleman from College Station, Texas (Mr. FLORES).

Mr. FLORES. Mr. Chair, I rise in strong support of this amendment, which would strengthen our Nation's energy, its security, its jobs, and its economy.

We have heard some interesting rhetoric tonight, but here are the facts. This amendment results in five key benefits to our country:

First, it benefits the American consumer with resulting overall lower energy prices. This particularly benefits lower-income and lower middle-income Americans, providing greater economic security for those hard-working families;

Two, it benefits American producers and allows them to further reinvest in our domestic energy infrastructure, furthering our energy security and good-paying American jobs. Most of those companies are small, independent oil and gas companies, not the major companies that were just talked about;

Three, it benefits our geopolitical standing and strengthens ties with our global friends and allies, and it hurts those countries like Russia, Iran, and Venezuela, which are opposed to American interests;

Four, it benefits the downstream refining community as lower prices will stimulate volume demand for their refined products. This gives them more financial capital to hire skilled American workers and to reinvest in their operations;

Five, it helps cure our trade imbalances.

These are five critical reasons as to why everybody wins if we lift the ban.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BARTON. I yield the gentleman an additional 15 seconds.

Mr. FLORES. Mr. Chairman, I thank Mr. BARTON for his work on this important amendment. I also thank the chairman for his support.

I strongly encourage my colleagues to support the amendment and the underlying bill.

Mr. BARTON. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman from Texas has 1¾ minutes remaining, and the gentleman from California has yielded back the balance of his time.

Mr. BARTON. Mr. Chairman, I yield myself the balance of my time. I don't see any other speakers on our side.

Let me simply say that this amendment is about jobs for America. There is only one commodity that we prohibit, by law, from being exported, and it is crude oil. We don't prohibit cotton; we don't prohibit corn; we don't prohibit ethanol; we don't prohibit automobiles; we don't prohibit video games or movies. We only prohibit crude oil. That is number one.

Number two, since the oil prices have precipitously fallen in the last 13 or 14 months, we have lost over 250,000 jobs in the United States. Those aren't just oil patch jobs. Those are truck driver jobs; they are warehouse jobs; they are computer programmer jobs; they are restaurant jobs. You name it; those are real jobs. It is estimated, Mr. Chairman, that we are losing as many as 1,000 jobs a week right now. If we repeal this antiquated law, we can put some of those people back to work.

We can put American-made oil in the world marketplace. It makes no sense to let Iran export oil, but we can't let American oil be put on the world market. We don't know who is going to buy the oil, but we do know that the money we will receive from it is going to come back to the United States. It is going to create jobs, and it is going to help our economy. It is going to be good for every American in every State of the 50 States in the Union. Vote for this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GARAMENDI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 114–359 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. UPTON of Michigan.

Amendment No. 2 by Mr. TONKO of New York.

Amendment No. 14 by Mr. GENE GREEN of Texas.

Amendment No. 17 by Mr. BEYER of Virginia.

Amendment No. 19 by Ms. SCHAKOWSKY of Illinois.

Amendment No. 22 by Mr. TONKO of New York.

Amendment No. 23 by Ms. CASTOR of Florida.

Amendment No. 24 by Mr. POLIS of Colorado.

Amendment No. 25 by Mr. BARTON of Texas.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. UPTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. UPTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 177, not voting 10, as follows:

[Roll No. 656]

AYES—246

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Larson (CT)
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey

Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—177

Adams
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—10

Aguilar
Cuellar
Meeks
Payne
Ruppersberger
Sanchez, Loretta
Stefanik
Takai
Webster (FL)
Williams

□ 1838

Mr. RIGELL changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. TONKO

The Acting CHAIR (Mrs. BLACK). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. TONKO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 244, not voting 10, as follows:

[Roll No. 657]

AYES—179

Adams
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costello (PA)
Courtney
Crenshaw
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Holding
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Pelosi
Perry
Pingree
Pocan
Polis
Posey
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—244

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costa
Cramer
Crawford
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Hinojosa
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Latta
LoBiondo
Long
Loudermilk
Love
Lowey
Lucas
Luetkemeyer
Lummis
MacArthur
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Tsongas
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—10

Aguilar
Cuellar
Marchant
Meeks
Payne
Ruppersberger
Sanchez, Loretta
Takai
Webster (FL)
Williams

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1843

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. GENE GREEN OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GENE GREEN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 263, noes 158, not voting 12, as follows:

[Roll No. 658]

AYES—263

Abraham
Adams
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Bass
Benishek
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Butterfield
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Cleaver
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costa
Cramer
Crawford
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Hinojosa
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jackson Lee
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Kaptur
Katko
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Larsen (WA)
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Maloney, Carolyn
Marchant
Marino
Massie
McCarthy
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Norcross
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Veasey
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—158

Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fincher
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Grayson
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Jones
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (IA)
Kirkpatrick
Kuster
Langevin
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Sean
Matsui
McCaul
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
O'Rourke
Pallone
Pascrell
Pelosi
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sewell (AL)
Sherman
Sinema
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—12

Aguilar
Costello (PA)
Crenshaw
Cuellar
Joyce
Meeks
Payne
Ruppersberger
Sanchez, Loretta
Takai
Webster (FL)
Williams

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1848

Mr. DANNY K. DAVIS of Illinois changed his vote from ''aye'' to ''no.''

Mrs. BLACK and Mr. AMODEI changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. BEYER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. BEYER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 246, not voting 15, as follows:

[Roll No. 659]

AYES—172

Adams
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Courtney
Crowley
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Dold
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Reichert
Rice (NY)
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—246

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany

Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Davis, Rodney
DeFazio
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—15

Aguilar
Capps
Cleaver
Conyers
Cuellar
Green, Gene
Meeks
Payne
Rangel
Ruppersberger
Sanchez, Loretta
Takai
Walorski
Webster (FL)
Williams

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1851

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. WALORSKI. Madam Chair, on rollcall No. 659 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 19 OFFERED BY MS. SCHAKOWSKY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 239, not voting 11, as follows:

[Roll No. 660]

AYES—183

Adams
Amash
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Bonamici
Boyle, Brendan F.
Brady (PA)
Brooks (AL)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Costa
Costello (PA)
Courtney
Crowley
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Doyle, Michael F.
Duckworth
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Herrera Beutler
Higgins
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Pelosi
Perlmutter
Peterson
Pingree
Pocan
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Wilson (FL)
Yarmuth

NOES—239

Abraham
Aderholt
Allen
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Cramer
Crawford
Crenshaw
Culberson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Dold
Donovan
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Esty
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Himes
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peters
Pittenger
Pitts
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Russell
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Welch
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—11

Aguilar
Cole
Cuellar
Meeks
Payne
Royce
Ruppersberger
Sanchez, Loretta
Takai
Webster (FL)
Williams

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1854

Mr. POLIS changed his vote from "aye to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. TONKO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. TONKO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 198, noes 224, not voting 11, as follows:

[Roll No. 661]

AYES—198

Adams
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blum
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hanna
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kinzinger (IL)
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McKinley
McNerney
McSally
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Poliquin
Polis
Price (NC)
Quigley
Rangel
Reed
Rice (NY)
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth
Young (IA)

NOES—224

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price, Tom
Ratcliffe
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)
Zeldin
Zinke

NOT VOTING—11

Aguilar
Cole
Cuellar
Gutiérrez
Meeks
Payne
Ruppersberger
Sanchez, Loretta
Takai
Webster (FL)
Williams

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1858

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. CASTOR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 247, not voting 11, as follows:

[Roll No. 662]

AYES—175

Adams
Ashford
Bass
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—247

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Beatty
Benishek
Bilirakis

Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Cleaver
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Conyers
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—11

Aguilar
Cuellar
Larson (CT)
Meeks
Payne
Ruppersberger
Sanchez, Loretta
Scott, David
Takai
Webster (FL)
Williams

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1901

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. CONYERS. Madam Chair, during rollcall vote No. 662 on H.R. 8, I mistakenly recorded my vote as "no" when I should have voted "yes."

AMENDMENT NO. 24 OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 216, not voting 11, as follows:

[Roll No. 663]

AYES—206

Adams
Amash
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Burgess
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Fortenberry
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanna
Hastings
Heck (WA)
Herrera Beutler
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Hurt (VA)
Israel
Jackson Lee
Jeffries
Jenkins (WV)
Johnson (GA)
Johnson, E. B.
Jolly
Jones
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (IA)
Kirkpatrick
Kuster
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McKinley
McNerney
Meng
Messer
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Paulsen
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tipton
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth
Young (IA)

NOES—216

Abraham
Aderholt
Allen
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Issa
Jenkins (KS)
Johnson (OH)
Johnson, Sam
Jordan
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McMorris Rodgers
McSally
Meadows
Meehan
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)
Zeldin
Zinke

NOT VOTING—11

Aguilar
Cole
Cuellar
Joyce
Meeks
Payne
Ruppersberger
Sanchez, Loretta
Takai
Webster (FL)
Williams

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1905

Mr. YOUNG of Iowa changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. BARTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BARTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 255, noes 168, not voting 10, as follows:

[Roll No. 664]

AYES—255

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Cárdenas
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Himes
Hinojosa
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lipinski
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lujan Grisham (NM)
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
O'Rourke
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (OH)
Salmon
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—168

Adams
Bass
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
Meehan
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Pascrell
Pelosi
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Rice (SC)
Roybal-Allard
Ruiz
Rush
Sánchez, Linda T.
Sanford
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—10

Aguilar
Cole
Cuellar
Meeks
Payne
Ruppersberger
Sanchez, Loretta
Takai
Webster (FL)
Williams

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1910

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. UPTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BLACK) having assumed the chair, Mr. FLEISCHMANN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes, had come to no resolution thereon.

AMENDMENT PROCESS FOR H.R. 2310

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Madam Speaker, today the Rules Committee issued a Dear Colleague letter outlining the amendment process for H.R. 2310, the Red River Private Property Protection Act. An amendment deadline has been set for Monday, December 7, 2015, at 12:00 p.m. Amendments should be drafted to the text as reported by the Committee on Natural Resources and is posted on the Rules Committee Web site. Please feel free to contact me or my staff with any questions.

CONFERENCE REPORT ON S. 1177, STUDENT SUCCESS ACT

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on adoption of the conference report on the bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 359, nays 64, not voting 10, as follows:

[Roll No. 665]

YEAS—359

Abraham
Adams
Aderholt
Allen
Amodei
Ashford
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Black
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney

Cramer
Crawford
Crenshaw
Crowley
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (TN)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibbs
Gibson
Goodlatte
Graham
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guthrie
Gutiérrez
Hahn
Hanna
Hardy
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Hill
Himes
Hinojosa
Honda
Hoyer
Hudson
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
LaHood
LaMalfa
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marino
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meehan
Meng
Messer
Mica
Miller (MI)
Moolenaar
Moore
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Pallone
Pascrell
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (KY)
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rouzer
Roybal-Allard
Royce
Ruiz
Rush
Russell
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Westerman
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—64

Amash
Babin
Bishop (UT)
Blackburn
Brat
Bridenstine
Brooks (AL)
Buck
Chabot
Chaffetz
Clawson (FL)
Culberson
DeSantis
DesJarlais
Duncan (SC)
Farenthold
Fleming
Franks (AZ)
Gohmert
Gosar
Gowdy
Graves (LA)
Guinta
Harper
Harris
Hice, Jody B.
Holding
Huelskamp
Johnson, Sam
Jones
Jordan
Kelly (MS)
King (IA)
Labrador
Lamborn
Loudermilk
Love
Lummis
Marchant
Massie
Meadows
Miller (FL)
Mooney (WV)
Mulvaney
Palazzo
Palmer
Perry
Poe (TX)
Ratcliffe
Rogers (AL)
Rohrabacher
Rothfus
Salmon
Sanford
Schweikert
Smith (MO)
Smith (NE)
Stewart
Stutzman
Walker
Weber (TX)
Wenstrup
Yoder
Yoho

NOT VOTING—10

Aguilar
Cuellar
Garrett
Meeks
Payne
Ruppersberger
Sanchez, Loretta
Takai
Webster (FL)
Williams

□ 1918

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RUPPERSBERGER. Madam Speaker, I was not able to vote today for medical reasons.

Had I been present on rollcall vote 653, I would have voted "no."

Had I been present on rollcall vote 654, I would have voted "no."

Had I been present on rollcall vote 655, I would have voted "yes."

Had I been present on rollcall vote 656, I would have voted "no."

Had I been present on rollcall vote 657, I would have voted "yes."

Had I been present on rollcall vote 658, I would have voted "yes."

Had I been present on rollcall vote 659, I would have voted "yes."

Had I been present on rollcall vote 660, I would have voted "yes."

Had I been present on rollcall vote 661, I would have voted "yes."

Had I been present on rollcall vote 662, I would have voted "yes."

Had I been present on rollcall vote 663, I would have voted "yes."

Had I been present on rollcall vote 664, I would have voted "no."

Had I been present on rollcall vote 665, I would have voted "yes."

PERSONAL EXPLANATION

Mr. CUELLAR. Madam Speaker, on Wednesday, December 2nd, I am not recorded on any votes because I was absent due to family reasons. If I had been present, I would have voted: "nay," on rollcall 653, on ordering the Previous Question providing for further consideration of H.R. 8, the North American Energy Security and Infrastructure Act of 2015; providing for consideration of the conference report to accompany S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

"Nay," on rollcall 654, on agreeing to H. Res. 542—Providing for further consideration of H.R. 8, the North American Energy Security and Infrastructure Act of 2015; providing for consideration of the conference report to accompany S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

"Yea," on rollcall 655, on the motion to instruct conferees on H.R. 644.

"Nay," on rollcall 656, on the Upton amendment to H.R. 8.

"Nay," on rollcall 657, on the Tonko amendment to H.R. 8.

"Yea," on rollcall 658, on the Gene Green amendment to H.R. 8.

"Nay," on rollcall 659, on the Beyer amendment to H.R. 8.

"Nay," on rollcall 660, on the Schakowsky amendment to H.R. 8.

"Yea," on rollcall 661, on the Tonko amendment to H.R. 8.

"Yea," on rollcall 662, on the Castor amendment to H.R. 8.

"Yea," on rollcall 663, on the Polis amendment to H.R. 8.

"Yea," on rollcall 664, on the Barton/Cuellar/McCaul/Flores/Conaway amendment to H.R. 8.

"Yea," on rollcall 665, on agreeing to the Conference Report to Accompany S. 1177—Every Student Succeeds Act.

HOUR OF MEETING ON TOMORROW

Mr. CRAMER. Mr. Speaker, I ask unanimous consent that, when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. YOUNG of Iowa). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015

The SPEAKER pro tempore. Pursuant to House Resolution 542 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 8.

Will the gentlewoman from Tennessee (Mrs. BLACK) kindly resume the chair.

□ 1921

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes, with Mrs. BLACK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 25 printed in House Report 114–359 offered by the gentleman from Texas (Mr. BARTON) had been disposed of.

AMENDMENT NO. 26 OFFERED BY MR. CRAMER

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 114–359.

Mr. CRAMER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE ____—OTHER MATTERS

SEC. _____. VOLUNTARY VEGETATION MANAGEMENT OUTSIDE RIGHTS-OF-WAY.

(a) AUTHORIZATION.—The Secretary of the Interior or the Secretary of Agriculture may authorize an owner or operator of an electric transmission or distribution facility to manage vegetation selectively within 150 feet of the exterior boundary of the right-of-way near structures for selective thinning and fuel reduction.

(b) STATUS OF REMOVED VEGETATION.—Any vegetation removed pursuant to this section shall be the property of the United States and not available for sale by the owner or operator.

(c) LIMITATION ON LIABILITY.—An owner or operator of an electric transmission or distribution facility shall not be held liable for wildlife damage, loss, or injury, including the cost of fire suppression, resulting from activities carried out pursuant to subsection (a) except in the case of harm resulting from the owner or operator's gross negligence or criminal misconduct.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from North Dakota (Mr. CRAMER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Dakota.

Mr. CRAMER. Madam Chair, this amendment simply authorizes the voluntary—and I stress voluntary—vegetation management within 150 feet of the exterior boundary of the right-of-way near structures on U.S. Forest Service land.

As a former energy regulator and a utility commissioner, I know there are many threats to power lines running across this country. Most of the time, this comes down to vegetation, as odd as it might seem, but especially in areas where there are a lot of trees and that are remote areas hard to get to.

Off-right-of-way vegetation management on these lands are the responsibility of the United States Forest Service. But for any number of reasons, they aren't conducting this critical work to ensure the reliability of our electricity.

Utility companies don't want to do the work off their right-of-way due to the lack of clarity in their legal liability or a strict liability standard. This amendment provides that legal certainty and holds utilities accountable for gross negligence or criminal misconduct.

Lastly, Madam Chair, it is important to note that this amendment demonstrates that this is not—and I stress is not—a backdoor to logging and prevents the sale of the vegetation by the utility and clarifies it shall be the property of the United States.

Madam Chair, I would also emphasize that the Edison Electric Institute and the American Public Power Association support this amendment.

Mr. UPTON. Will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Michigan.

Mr. UPTON. Madam Chair, I want to stress that this authorizes voluntary vegetation management within 150 feet of the exterior boundary of the right-of-way, prevents the sale of vegetation, and limits legal liability. I think it is a good amendment.

Madam Chair, I urge my colleagues to support it.

Mr. CRAMER. Madam Chair, I reserve the balance of my time.

Mr. PALLONE. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Madam Chair, the manager's amendment to H.R. 8 already includes a provision which would hand over management of vast swaths of U.S. public lands to private corporations and other utility providers under the guise of preventing forest fires.

This provision was inserted in the dead of night, and the full House won't get to vote on it. This is a terrible way to treat our public lands.

As if this weren't enough, this amendment would go even further, allowing electric utilities to clear-cut a football field-length swath of national forest adjacent to transmission rights-of-way.

It would also shift liability for fire damage caused by transmission infrastructure from the utilities to the American taxpayers, and that is just not right.

The Forest Service and the BLM are already working with utilities to improve right-of-way maintenance, and both agencies testified before the Natural Resources Committee that prior agency approval is not necessary for emergency vegetation maintenance work.

Mr. HUFFMAN offered a commonsense amendment at markup which would have required proactive planning by utilities in coordination with land managers to identify and address potential fire threats, but every Republican voted against it. Instead, they are supporting legislation which would lead to less responsible stewardship of the American people's forests.

According to the National Interagency Fire Center, power lines were responsible for causing only 0.03 percent of forest fires in past 5 years.

Madam Chair, if Republicans were serious about preventing and fighting forest fires, they would work with us to adequately fund the Forest Service and fix the problem of fire borrowing, which last year burned up 52 percent of the agency's budget.

But this isn't about solving a problem. This is about control. It is regrettable that House Republicans seek to give away the people's land to private interests. It is outrageous that this would happen.

Madam Chair, I urge a ''no'' vote on the amendment.

I yield back the balance of my time.

Mr. CRAMER. Madam Chair, I just want to correct a couple of the statements made sincerely by the opposition to this. I want to be clear that the cost of this is borne not by the taxpayers, but by the utilities themselves. The reason that they are not able to do it now, of course, is because of a lack of clarity and the liability. So this simply clears that part of it up.

Again, I want to get back to I was a regulator for nearly 10 years. Some people may remember not so many years ago a major rolling brownout that led to blackouts in the northeastern part of this country.

All of that was caused by trees growing into transmission lines. It has a cascading effect. And, yes, if it is a large forest, those trees growing into transmission lines can also create forest fires.

This is a very basic approach. Most of the arguments that the gentleman raised are to the underlying bill, not to this amendment. This amendment is very straightforward.

I urge a ''yes'' vote.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Dakota (Mr. CRAMER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PALLONE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Dakota will be postponed.

AMENDMENT NO. 27 OFFERED BY MR. DUFFY

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in House Report 114–359.

Mr. DUFFY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

TITLE VII—OTHER MATTERS

SEC. 7001. ASSESSMENT OF REGULATORY REQUIREMENTS.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall ensure that the requirements described in subsection (b) are satisfied.

(b) REQUIREMENTS.—The Administrator shall satisfy—

(1) section 4 of Executive Order 12866 (5 U.S.C. 601 note) (relating to regulatory planning and review) and Executive Order 13563 (5 U.S.C. 601 note) (relating to improving regulation and regulatory review) (or any successor Executive order establishing requirements applicable to the uniform reporting of regulatory and deregulatory agendas);

(2) section 602 of title 5, United States Code;

(3) section 8 of Executive Order 13132 (5 U.S.C. 601 note) (relating to federalism); and

(4) section 202(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532(a)).

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Wisconsin (Mr. DUFFY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. DUFFY. Madam Chair, today I rise to talk about a commonsense amendment, an amendment that takes aim at excessive bureaucratic rulemaking at the EPA.

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The EPA has long been known to issue onerous and costly rules with little regard to the impact on American businesses and the families who run those businesses.

According to some estimates, 17 of the EPA's major rules implemented between 2000 and 2013 have imposed an annual economic impact of $90 billion—a $90 billion annual impact per year, which means real jobs and a real impact on our economy.

Adding to the frustration, the EPA often ignores longstanding executive orders that require them to improve their own regulatory coordination planning and reviews. These executive orders were issued under the Clinton and Obama administrations, two administrations that have a very positive outlook towards the EPA. By no stretch of the imagination do we consider them conservatives.

These orders require departments, but not independent regulatory agencies like the EPA, to follow certain guidelines when it comes to major rules that would have a dramatic impact on State, local, or tribal government, or private sector expenditures in the aggregate of more than $100 million a year. So those are big rules that have big impacts.

The mercury rule put forward by the EPA is a prime example of that. It was going to cost $10 billion. This summer, the U.S. Supreme Court struck down that rule because the EPA unreasonably failed to consider the cost. My amendment would require the EPA to actually follow existing requirements to improve regulatory planning, coordination, and reviews.

American families and businesses can't afford the EPA to continue with duplicative and overreaching regulations. The EPA should have to follow the same rules that other departments in American government must follow.

Mr. UPTON. Will the gentleman yield?

Mr. DUFFY. I yield to the gentleman from Michigan.

Mr. UPTON. I just want to say to the Chair and colleagues, this amendment requires the EPA to satisfy regulatory planning review requirements established by both the Clinton and Obama administrations.

I think the amendment is a good one, and I urge my colleagues to support it.

Mr. DUFFY. Madam Chair, I reserve the balance of my time.

Mr. PALLONE. Madam Chair, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Madam Chair, I rise in opposition to this amendment which would require EPA to satisfy within 30 days certain regulatory requirements included in three executive orders in two sections of the U.S. Code. This amendment is a solution in search of a problem.

EPA, in carrying out its responsibilities to write regulations as required by various statutes—for example, the Clean Air Act and the Clean Water Act—already complies with the EPA's specific responsibilities included in the three executive orders and two sections cited in this amendment.

I say ''EPA'' specifically because some of these laws and executive orders impose ongoing obligations on these agencies and place responsibility on parties other than the EPA—for example, the Vice President and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget. In such cases, it will not be possible for EPA to ''ensure that the requirements of subsection (b) are satisfied,'' as the amendment requires.

In addition, some matters, such as the publication of the Regulatory Flexibility Agenda in the Federal Register, as cited in section 602 of title 5 of the U.S. Code, are handled by the General Services Administration on behalf of other Federal agencies and are therefore similarly outside of the EPA's control.

Moreover, Madam Chair, this amendment has the potential to lead to confusion in the future because it requires the EPA also to satisfy requirements in any successor executive orders that may establish requirements applicable to the uniform reporting of regulatory and deregulatory agendas.

What happens if these successor executive orders are not consistent with the current ones? Then we have a situation where EPA is forced to comply with competing executive orders, leading to unnecessary confusion.

Let's avoid this possibility by defeating this amendment.

I reserve the balance of my time.

Mr. DUFFY. Madam Chair, some of my friends across the aisle's arguments are: Don't let the people know. Let's not be transparent. Let's have the EPA implement rules with no comment, no transparency, and no input from the American people.

That is not what our Founders envisioned. They envisioned a form of government where it was transparent and we all had a say in the process. These aren't radical ideas. This is common sense.

Listen, a quote: ''Regulations shall be adopted through a process that involves public participation.'' That wasn't from Ronald Reagan or George Bush. That was Barack Obama.

''Each agency, where feasible and appropriate, shall seek the views of those who are likely to be affected.'' Not Ronald Reagan, not George Bush, but Barack Obama.

This stuff makes sense. Open the process up, let the American people see the impact and the rules that are being proposed, just like in every other government agency. The EPA shouldn't get special treatment.

Transparency, good government, American involvement from the people in the process is what this amendment is about. I encourage all of my colleagues to support good government and a great amendment.

I reserve the balance of my time.

Mr. PALLONE. Madam Chair, let me just say that this process with the EPA is very transparent, they do consider costs, and I disagree with the gentleman.

I urge opposition to this amendment.

I yield back the balance of my time.

Mr. DUFFY. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. DUFFY).

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MR. GOSAR

The Acting CHAIR. It is now in order to consider amendment No. 28 printed in House Report 114–359.

Mr. GOSAR. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

TITLE VII—OTHER MATTERS

SEC. 7001. DEFINITIONS.

In this title:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal land.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term ''covered energy project'' means—

(i) the leasing of Federal land for the exploration, development, production, processing, or transmission of oil, natural gas, coal, geothermal, hydroelectric, biomass, solar, or any other source of energy; and

(ii) any action under the lease.

(B) EXCLUSION.—The term ''covered energy project'' does not include any dispute between the parties to a lease regarding the obligations under the lease, including any alleged breach of the lease.

SEC. 7002. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.

Venue for any covered civil action shall lie in the United States district court in which the covered energy project or lease exists or is proposed.

SEC. 7003. TIMELY FILING.

To ensure timely redress by the courts, a covered civil action shall be filed not later

than the end of the 90-day period beginning on the date of the final Federal agency action to which the covered civil action relates.

SEC. 7004. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

SEC. 7005. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.

(a) IN GENERAL.—In a covered civil action, a court shall not grant or approve any prospective relief unless the court finds that the relief—

(1) is narrowly drawn;

(2) extends no further than necessary to correct the violation of a legal requirement; and

(3) is the least intrusive means necessary to correct the violation.

(b) DURATION.—

(1) IN GENERAL.—A court shall limit the duration of preliminary injunctions to halt covered energy projects to not more than 60 days, unless the court finds clear reasons to extend the injunction.

(2) ADMINISTRATION.—In the case of an extension, the extension shall—

(A) only be in 30-day increments; and

(B) require action by the court to renew the injunction.

(a) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the ''Equal Access to Justice Act''), shall not apply to a covered civil action.

(b) COURT COSTS.—A party to a covered civil action shall not receive payment from the Federal Government for the attorneys' fees, expenses, or other court costs incurred by the party.

SEC. 7006. LEGAL STANDING.

A challenger that files an appeal with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as a challenger before a United States district court.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Arizona (Mr. GOSAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Madam Chair, I rise today to offer a commonsense amendment to H.R. 8. The Gosar-Bridenstine-Yoho amendment ensures timely review for legal challenges of energy projects and limits attorneys' fees for such challenges in order to discourage frivolous lawsuits and foster American energy production.

This amendment will streamline the process and encourage production of natural gas, hydropower, clean coal, geothermal, solar, oil, biomass, and all other sources of energy that are produced on Federal lands.

Specifically, this amendment requires that U.S. district courts hear and determine covered civil action challenges as expeditiously as practical and that all covered actions be filed within 90 days of the final Federal agency action.

This amendment is a responsible, commonsense step that a government accountable to the people should take to show proper stewardship of the public's dollar, time, and resources. If you support transparency and cutting red tape that is holding up energy development, then you should support this amendment.

Just this week, the House passed legislation unanimously in the form of H.R. 3279, the Open Book on Equal Access to Justice Act. This bipartisan bill tracks how much money is paid out under the Equal Access to Justice Act, EAJA, and from which agencies. This legislation was necessary because, while Congress used to track such information, these practices were stopped in 1995.

The Gosar-Bridenstine-Yoho amendment improves on this excellent bipartisan work by limiting attorney fees and frivolous lawsuits against covered energy products, including renewables.

While no one knows the exact cost of EAJA payouts, as they have occurred untracked and in the dark for 20 years, the Government Accountability Office last reported in 2009 that special interest Washington, D.C., lawyers were billing the Federal Government at exorbitant rates, as high as $750 an hour.

It seems only appropriate that H.R. 3279 should be signed into law, those reporting requirements should kick in, and our amendment should be adopted before the Federal Government squanders more taxpayer money paying out D.C. trial attorneys who specialize in holding up American energy production.

House Natural Resources Chairman ROB BISHOP supports our commonsense amendment.

Our amendment is endorsed by the Americans for Limited Government; the American Petroleum Institute; Anglers United, Inc.; Arizona Builders Alliance; the Arizona Farm Bureau; Arizona Liberty; Arizona Pork Council; AZ BASS Nation; the Bass Federation; Concerned Citizens for America; Gavel Resources; Grand Canyon State Electric Cooperative Association; the Rural Public Lands County Council; Shake, Rattle and Troll Radio; Sulfur Springs Valley Electric Cooperative; the Yuma County Chamber of Commerce; and countless citizens around the country who are tired of red tape and bureaucracy holding up American energy production.

I thank the chair and ranking member for their tireless efforts on the North American Energy Security and Infrastructure Act, and I strongly support H.R. 8.

I urge my colleagues to support the Gosar-Bridenstine-Yoho amendment.

Mr. UPTON. Will the gentleman yield?

Mr. GOSAR. I yield to the gentleman from Michigan.

Mr. UPTON. Madam Chair, I thank the gentleman for the amendment.

We have talked to the Natural Resources Committee staff. Obviously, that is something that Chairman BISHOP supports.

This amendment does ensure the timely review for legal challenges of energy projects. It is a worthy amendment, and I urge my colleagues to support it.

Mr. GOSAR. Madam Chair, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Madam Chair, I rise in opposition to the amendment to H.R. 8.

This amendment is another example of pro-corporate, anti-environmental legislation designed by large corporations to restrict access to the courts for the average citizen.

The Gosar amendment ignores separation of powers by telling the Federal courts how to do their job, restricting the type of relief a court can grant, and penalizing successful challenges brought under the Equal Access to Justice Act. This, in turn, limits access to legal relief for those challenging government decisions.

Let's say you are a farmer or a rancher or a landowner and you live adjacent to Federal land that is being leased out to an energy company for fracking and you are worried about what is going to happen to your drinking water, you are worried about the price of your house, and you are worried about the health of your children. Well, this amendment will greatly interfere with your ability to challenge the decision of the Federal agency granting the permit. It will tie the hands of the courts in terms of deciding the case in a fair and just way.

For nearly 70 years, the Administrative Procedure Act, or APA, has served as the foundation for administrative agency action and ensures that agency action taking place in the rulemaking process is fair, efficient, and flexible enough to accommodate the myriad of agency actions it governs along with the challenges of daily life.

Judicial review of agency action is a hallmark of the APA, and it is critical to ensuring that government action does not harm or adversely affect the public. The Gosar amendment would discard decades of wisdom and jurisprudence preserving the right of judicial review.

First, it would reduce the statute of limitations for judicial review of agency action under the APA to 90 days. This is down from 6 years for most claims brought against the United States in cases involving onshore and offshore energy leasing, development, and transmission on Federal lands.

This razor-thin window for review would effectively immunize government action involving energy projects from public accountability, allowing those agencies to opt out of our civil justice system.

Second, the amendment limits a judicial stay of final agency action by requiring courts to only consider whether relief would be the least intrusive or narrowly drawn relief possible to correct a violation.

Courts, however, typically consider other things, such as where the public

interest lies. This sweeping limitation would dramatically interfere with the courts' ability to provide relief, tilting the outcome against the public interest.

Lastly, this amendment slams the door to the courthouse by prohibiting access to funds under the Equal Access to Justice Act. By enacting the Equal Access to Justice Act, Congress recognized that individuals and organizations should not be deterred from challenging unjustified governmental action simply because it costs too much.

For three decades, veterans, seniors, persons with disabilities, small businesses, and nonprofit organizations from across the ideological spectrum have relied upon the Equal Access to Justice Act to challenge illegal government action. This amendment would cripple the rights of those concerned or opposed to an energy project by preventing those who cannot afford to litigate a case against a big corporation from recovering fees, expenses, and court costs when they win.

It is time for this Congress to stand up for everyday Americans. I urge my colleagues to stand for the rights of the individual and local communities and oppose this misguided amendment.

I reserve the balance of my time.

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Mr. GOSAR. Madam Chair, this amendment is simple. Either you are with American energy producers, or you are with overpaid, high-priced Washington, D.C., attorneys and extremist special interest groups that are holding up American energy production.

This amendment still allows the public to seek assistance in Federal court and actually encourages that an up-or-down review of their legal challenges occur in a more timely manner.

This amendment does not affect NEPA or environmental requirements whatsoever. All American energy producers will still have to go through the full environmental review and permitting process. As I mentioned earlier with regard to previous amendments, that process takes an average of 1,709 days to complete, and it allows public input from all Americans.

Madam Chair, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Madam Chair, you are with American people—farmers, ranchers, landowners, just regular, ordinary people—or you are with the Big Business corporations that are seeking to rape and pillage, on occasion, the land without any drawback of having to be taken into the courthouse to deal with what they have done or with what they are about to do.

I yield back the balance of my time.

Mr. GOSAR. Madam Chair, as I stated earlier, the amendment encourages an all-of-the-above energy strategy and has specific language that ensures the amendment applies to solar, natural gas, hydropower, clean coal, geothermal, oil, biomass, and any other source of energy that is produced on Federal lands. It actually embraces and supports those folks out there in America; so I ask all of our folks to vote for the Gosar-Bridenstine-Yoho amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MR. UPTON

The Acting CHAIR. It is now in order to consider amendment No. 29 printed in House Report 114–359.

Mr. UPTON. Madam Chair, as the designee of Evan Jenkins, I offer amendment No. 29.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

TITLE VII—OTHER MATTERS

SEC. 7001. STUDY TO IDENTIFY LEGAL AND REGULATORY BARRIERS THAT DELAY, PROHIBIT, OR IMPEDE THE EXPORT OF NATURAL ENERGY RESOURCES.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy and the Secretary of Commerce shall jointly transmit to the Committee on Energy and Commerce and the Committee on Natural Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate, the results of a study to—

(1) identify legal and regulatory barriers that delay, prohibit, or impede the export of natural energy resources, including government and technical (physical or market) barriers that hinder coal, natural gas, oil, and other energy exports; and

(2) estimate the economic impacts of such barriers.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Madam Chair, this amendment requires the Department of Energy and the Department of Commerce to conduct a study regarding the legal and regulatory barriers that delay, prohibit, or impede the export of natural energy resources.

This amendment instructs the Department of Energy and the Department of Commerce to conduct this study to figure out which regulatory barriers may be prohibiting, delaying, or hindering the export of America's natural resources, like coal and natural gas, which come in the form of permitting requirements, the threat of litigation, regulatory red tape, market forces, and more.

I urge my colleagues to support it.

Madam Chair, I yield back the balance of my time.

Mr. PALLONE. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Madam Chair, I rise in opposition to this amendment, which would require the Department of Energy and the Department of Commerce to conduct a study on the legal and regulatory provisions that delay or prohibit the export of natural energy resources.

This is another example, Madam Chair, of an amendment in search of a problem. The majority is, once again, making hyperbolic claims about the Federal Government blocking energy exports, but this is simply not true.

To cite the example of LNG exports, the Department of Energy currently conducts a public interest review of all applications to export LNG to a country without a free trade agreement with the United States. The DOE has established a record of acting expeditiously, and it has acted on all applications that have completed the NEPA process. To date, the DOE has approved nine final authorizations on seven projects. So, to imply there is a barrier in this case is simply not true.

Further, any so-called barrier usually has a specific purpose: for example, taking the time to ensure that public health is protected, that safety and environmental concerns are adequately evaluated, that the export of our natural resources is actually in the national interest, and that consumers are not adversely impacted.

Finally, the amendment doesn't define ''barrier.'' So would other agencies' regulations, promulgated under other statutory authority, constitute a barrier? I am also not sure that the DOE and the Department of Commerce even have the appropriate expertise to assess these barriers.

For these reasons, Madam Chair, I oppose this amendment as its being an unnecessary and vaguely defined study, and I urge my colleagues to do the same.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The amendment was agreed to.

AMENDMENT NO. 30 OFFERED BY MR. ROUZER

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 114–359.

Mr. ROUZER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE ____—OTHER MATTERS

SEC. _____. REPEAL OF RULE FOR NEW RESIDENTIAL WOOD HEATERS.

The final rule entitled ''Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces'' published at 80 Fed. Reg. 13672 (March 16, 2015) shall have no force or effect and shall be treated as if such rule had never been issued.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from North Carolina (Mr. ROUZER) and

a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. ROUZER. Madam Chair, I rise today to offer an amendment to the North American Energy Security and Infrastructure Act.

In early March of this year, the EPA published a final rule establishing new regulations for wood heaters. Manufacturers and consumers across the country are concerned about the negative impact of these new regulations. In essence, these new requirements will increase the cost to the point that wood heaters may very well be priced out of the marketplace. The best case scenario is that consumers will be paying more. Now, Madam Chair, neither is a good outcome.

According to reports, 10 percent of U.S. households still choose wood heaters to keep their energy costs as low as possible. The number of households that rely on wood as their primary heating source—get this—rose by nearly one-third from 2005 to 2012.

It is important to note that several States have worked to protect their residents from the consequences of these new regulations. Wisconsin, Missouri, Michigan, Virginia, and my home State of North Carolina have all introduced or have passed legislation that prohibits their respective environmental agencies from enforcing these burdensome, unnecessary regulations. The reason is that they know the costs of additional regulations are always passed down to the consumers.

Simply put, the Federal Government has no business telling private citizens how they should heat their homes.

Think about all of the folks in the Midwest and the Northeast who are going to need and want a wood heater. After all, this is America. If you want to have the opportunity to buy a wood heater, you ought to have that opportunity. It shouldn't be priced out of the market.

Madam Chair, I yield 2 minutes to the gentleman from Missouri (Mr. SMITH).

Mr. SMITH of Missouri. I thank the gentleman from North Carolina.

Madam Chair, the EPA has decided that 12 million wood-burning stoves in 2.4 million households across America need to be regulated.

Back in the Eighth District of Missouri, about 30,000 households use wood heat to warm their homes. Census data shows that households heating with wood grew 34 percent between 2000 and 2010 and that low- and middle-income households are much more likely to use wood as a primary heating fuel. A given home in my district is five times more likely to be heated with wood than is the national average.

Constituents I talk with daily are sick of this administration's war on rural America. Rules like these disproportionately hurt rural areas, which use much more wood heat than do urban or suburban environments: 57 percent of households that primarily use wood for heat are in rural areas; 40 percent are in the suburbs; and only 3 percent are in urban areas. Times are already tough enough back home. Folks should not be punished for their self-reliance and their forethought to take advantage of an abundant, eco-friendly fuel like wood.

I urge my colleagues to join me in eliminating this rule and keeping affordable energy available to folks who need it the most.

Mr. PALLONE. Madam Chair, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Madam Chair, this amendment will delay the implementation of the EPA's important standards for residential wood heaters—finalized in February 2015—that will help improve air quality, especially in communities where people burn wood for heat.

The EPA updated these standards because the Clean Air Act requires the EPA to set new source performance standards for categories of stationary sources of pollution that cause or significantly contribute to air pollution that may endanger public health or welfare, and the law requires the EPA to review these standards every 8 years.

The EPA issued the first NSPS for residential wood heaters in 1988. The Agency amended the standards once in 1998 to prohibit the sale of wood heaters to consumers if the manufacturer had used an invalid test to obtain EPA certification that the heater met NSPS requirements. The 1998 amendments did not change the emission limits in the original rule. This means the standards for wood heaters have not been updated in nearly 30 years.

The EPA's standards reflect significant outreach to the public and interested stakeholders, including consultation with State, local, and tribal governments and a Small Business Advocacy Review Panel.

The new standards will provide tremendous health benefits by cutting harmful air pollution, including particle pollution, carbon monoxide, and air toxics. Particle pollution causes a range of adverse health effects, including asthma, heart attacks, and stroke.

The EPA estimates that the benefits of these standards will be up to $7.6 billion annually. Put another way, for every dollar spent to manufacture cleaner wood heaters, we will see up to $165 in health benefits. So blocking this rule is fiscally irresponsible.

Some may claim that this rule will require people who use wood heaters to replace the models they currently use, but this standard applies only to the new manufacturing of wood heaters. It does not require people to replace the heaters they have already purchased. Let me repeat that. The EPA is not going into anyone's home and forcing one to replace a heater one currently has. The final rule also has a gradual 5-year phase-in to allow manufacturers time to adapt.

If this amendment were to become law and if the EPA is unable to implement these standards, manufacturers will be able to continue producing outdated wood heaters that pose risks to our air quality and to our health.

The EPA's rule is a reasonable one that is long overdue. It has important benefits, and it should be allowed to be implemented; so I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. ROUZER. Mr. Chairman, this is a commonsense amendment that has been put forward in order to address an onerous, unnecessary rule. My question is: What are we going to try to regulate next—fireplaces? It is next on the list, it seems to me.

I ask for the support of this amendment, and I thank my colleague from Missouri for being here to offer his words of support for the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PALLONE. Mr. Chairman, I urge opposition to the amendment.

I yield back the balance of my time.

The Acting CHAIR (Mr. WOODALL). The question is on the amendment offered by the gentleman from North Carolina (Mr. ROUZER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PALLONE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 31 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 114–359.

Ms. CASTOR of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

TITLE VII—OTHER MATTERS

SEC. 7001. SHORT TITLE.

This title may be cited as the ''Promoting Renewable Energy with Shared Solar Act of 2015''.

SEC. 7002. PROVISION OF INTERCONNECTION SERVICE AND NET BILLING SERVICE FOR COMMUNITY SOLAR FACILITIES.

(a) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(20) COMMUNITY SOLAR FACILITIES.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COMMUNITY SOLAR FACILITY.—The term 'community solar facility' means a solar photovoltaic system that—

''(I) allocates electricity to multiple individual electric consumers of an electric utility;

''(II) has a nameplate rating of 2 megawatts or less; and

''(III) is—

''(aa) owned by the electric utility, jointly owned, or third-party-owned;

''(bb) connected to a local distribution facility of the electric utility; and

''(cc) located on or off the property of a consumer of the electricity.

''(ii) INTERCONNECTION SERVICE.—The term 'interconnection service' means a service provided by an electric utility to an electric consumer, in accordance with the standards described in paragraph (15), through which a community solar facility is connected to an applicable local distribution facility.

''(iii) NET BILLING SERVICE.—The term 'net billing service' means a service provided by an electric utility to an electric consumer through which electric energy generated for that electric consumer from a community solar facility may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

''(B) REQUIREMENT.—On receipt of a request of an electric consumer served by the electric utility, each electric utility shall make available to the electric consumer interconnection service and net billing service for a community solar facility.''.

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

''(7)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has rate-making authority) and each nonregulated utility shall commence consideration under section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 111(d).

''(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has rate-making authority), and each nonregulated electric utility shall complete the consideration and make the determination under section 111 with respect to the standard established by paragraph (20) of section 111(d).''.

(2) FAILURE TO COMPLY.—

(A) IN GENERAL.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended—

(i) by striking ''such paragraph (14)'' and all that follows through ''paragraphs (16)'' and inserting ''such paragraph (14). In the case of the standard established by paragraph (15) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (15). In the case of the standards established by paragraphs (16)''; and

(ii) by adding at the end the following: ''In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).''.

(B) TECHNICAL CORRECTION.—

(i) IN GENERAL.—Section 1254(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 971) is amended by striking paragraph (2).

(ii) TREATMENT.—The amendment made by paragraph (2) of section 1254(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 971) (as in effect on the day before the date of enactment of this Act) is void, and section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) shall be in effect as if those amendments had not been enacted.

(3) PRIOR STATE ACTIONS.—

(A) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

''(g) PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to the standard established by paragraph (20) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

''(1) the State has implemented for the electric utility the standard (or a comparable standard);

''(2) the State regulatory authority for the State or the relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard (or a comparable standard) for the electric utility; or

''(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility.''.

(B) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policy Act of 1978 (16 U.S.C. 2634) is amended by adding at the end the following: ''In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).''.

The Acting CHAIR. Pursuant to House Resolution 542, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

□ 2000

Ms. CASTOR of Florida. Mr. Chairman, my amendment is a great opportunity to put solar power within reach of more families and small businesses across America. It amends the Public Utility Regulatory Policies Act of 1978 under which Congress directs States to consider adopting certain regulatory policies.

My amendment directs States to consider solar projects up to 2 megawatts in size to be connected to their power distribution system and that utilities allow the electricity produced by the community solar facility to be credited directly to each of the consumers that owns a share of the system, thus offsetting the cost of the electricity that would normally be billed by the utility to the customer.

Currently, 14 States and the District of Columbia have shared renewable policies in place. My amendment would encourage other States to consider implementing new policies to promote community solar projects.

Mr. Chair, 49 percent of households are currently unable to host a photovoltaic system because they do not own their building. They are renters or they do not have access to sufficient roof space, like high-rise buildings or multifamily buildings, or they live in buildings with too much shade or insufficient roof space to host such a photovoltaic system.

It is also estimated that 48 percent of businesses are unable to host a solar array. So by opening the market to these customers, shared solar could represent as much as half of the distributed photovoltaic market in 2020, adding an additional 5.5 to 11 gigawatts of solar capacity across our country.

One good example is what is happening in central Florida. The Orlando Utilities Commission has developed central Florida's first community solar farm. The community solar farm gives Orlando residential and small business customers access to sustainable, maintenance-free solar energy without the hassles and costs associated with installing panels on their home or businesses.

The 400-kilowatt array produces an average of 540,000 kilowatts annually, which is enough energy to meet the power needs of about 40 homes. This has great promise. It has great potential for families and small businesses that we all represent across the country.

I would urge an ''aye'' vote.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chairman, this amendment requires States to consider electric utilities to allow community solar projects of up to 2 megawatts to connect to the electric grid. We do know that community solar is an exciting new technology that many communities and customers are seriously considering.

I could say that I support the gentlewoman's community solar goals, but there are some concerns with the amendment. Namely, as drafted, it could violate some State electric service laws, while also potentially being redundant of Federal standards currently imposed on States.

But because it is not a mandate and uses PURPA for States to consider, which they are free to consider or reject, we can accept the gentlewoman's amendment.

I yield back the balance of my time.

Ms. CASTOR of Florida. Mr. Chairman, I thank the chairman of the Energy and Commerce Committee for recognizing the great promise and great potential for solar power for families and small businesses across the country. I thank him for urging an ''aye'' vote.

I also urge an ''aye'' vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The amendment was agreed to.

AMENDMENT NO. 32 OFFERED BY MR. DESAULNIER

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in House Report 114–359.

Mr. DESAULNIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

TITLE VII—OTHER MATTERS

SEC. 7001. STUDY OF VOLATILITY OF CRUDE OIL.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall transmit to Congress the results of a study to determine the maximum level of volatility that is consistent with the safest practicable shipment of crude oil by rail.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from California (Mr. DESAULNIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DESAULNIER. Mr. Chairman, this amendment requires the Department of Energy to study and report to Congress within 1 year the maximum level of volatility that is safe for transporting crude oil by rail.

This commonsense improvement to the bill is a first step in addressing concerns of residents in districts like mine that, while it is heavily industrialized, is also urbanized. The area that I represent has five oil refineries and two destination facilities for oil by rail.

In 2008, oil traffic had increased over 5,000 percent along rail routes leading from production zones in America to refineries and hubs along both coasts. As traffic increases, so does the risk of derailments to communities. Bakken crude oil is considered more volatile than other types of crude and has important safety implications for all of us.

The Pipeline and Hazardous Materials Safety Administration has issued safety alerts warning that crude oil being transported from this region may be more flammable than traditional heavy crude oil. In fact, heavy volatile crude oil from this region has been compared to jet fuel with flammable vapors that can ignite after a derailment.

Several communities along rail lines have been forced to evacuate or sustain significant property and environmental damage after derailment. Unfortunately, there have been instances of severe injuries and some deaths resulting from these accidents.

While the Obama administration has taken important steps to improve tank car standards, more must be done to ensure that Americans living near railways are safe. This amendment requires DOE to determine the acceptable volatility for the safe transportation of oil by rail.

I would urge my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition, but I support the amendment.

The Acting CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. UPTON. Mr. Chair, this amendment requires the Department of Energy to study the maximum level of volatility that is consistent with the safest practical shipment of crude oil by rail. Every one of us here wants the safe transportation of all of our natural resources. Rail transport is getting larger and larger. We need to make sure that it is safe.

I think it is a worthy amendment. I would urge all my colleagues to support the amendment.

I yield back the balance of my time.

Mr. DESAULNIER. Mr. Chairman, I yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in support of the DeSaulnier-Lowey-Garamendi amendment. At the outset, I want to thank my friend, the distinguished chairman, for your wisdom in supporting this very important amendment.

This year derailments in North Dakota, Pennsylvania, and West Virginia endangered lives, destroyed homes, and jeopardized waterways.

We must protect those who live near America's extensive rails, including my constituents in Rockland County, New York, where every week as many as 30 trains carry highly volatile Bakken crude oil past homes, schools, and businesses.

In 2013, a freight train pulling 99 oil tanker cars collided with a truck in West Nyack, averting disaster because the cars were empty. This was not an isolated incident. Vehicles are frequently struck on train tracks that carry crude oil. Just last month a freight train collided with a car in Congers. We cannot afford to risk a ''next time.''

We need scientific information to determine what volatility levels of crude oil can be safely shipped, which would be provided if this amendment passed, to protect those living near railways from the dangers associated with a crude oil derailment.

I urge support of this amendment. I thank my colleague, Mr. DESAULNIER, and our chair again. It looks like we are going to see some important action on this very critical issue.

Mr. DESAULNIER. Mr. Chair, I thank the chairman, the staff, and Mrs. LOWEY.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DESAULNIER).

The amendment was agreed to.

AMENDMENT NO. 33 OFFERED BY MR. DEUTCH

The Acting CHAIR. It is now in order to consider amendment No. 33 printed in House Report 114–359.

Mr. DEUTCH. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

TITLE VII—MARINE HYDROKINETIC

SEC. 7001. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.

Section 632 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17211) is amended in the matter preceding paragraph (1) by striking ''electrical''.

SEC. 7002. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

Section 633 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17212) is amended to read as follows:

''SEC. 633. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

''The Secretary, in consultation with the Secretary of the Interior, the Secretary of Commerce, and the Federal Energy Regulatory Commission, shall carry out a program of research, development, demonstration, and commercial application to accelerate the introduction of marine and hydrokinetic renewable energy production into the United States energy supply, giving priority to fostering accelerated research, development, and commercialization of technology, including—

''(1) to assist technology development to improve the components, processes, and systems used for power generation from marine and hydrokinetic renewable energy resources;

''(2) to establish critical testing infrastructure necessary—

''(A) to cost effectively and efficiently test and prove the efficacy of marine and hydrokinetic renewable energy devices; and

''(B) to accelerate the technological readiness and commercialization of those devices;

''(3) to support efforts to increase the efficiency of energy conversion, lower the cost, increase the use, improve the reliability, and demonstrate the applicability of marine and hydrokinetic renewable energy technologies by participating in demonstration projects;

''(4) to investigate variability issues and the efficient and reliable integration of marine and hydrokinetic renewable energy with the utility grid;

''(5) to identify and study critical short- and long-term needs to create a sustainable marine and hydrokinetic renewable energy supply chain based in the United States;

''(6) to increase the reliability and survivability of marine and hydrokinetic renewable energy technologies;

''(7) to verify the performance, reliability, maintainability, and cost of new marine and hydrokinetic renewable energy device designs and system components in an operating environment;

''(8) to coordinate and avoid duplication of activities across programs of the Department and other applicable Federal agencies, including National Laboratories, and to coordinate public-private collaboration in all programs under this section;

''(9) to identify opportunities for joint research and development programs and development of economies of scale between—

''(A) marine and hydrokinetic renewable energy technologies; and

''(B) other renewable energy and fossil energy programs, offshore oil and gas production activities, and activities of the Department of Defense; and

''(10) to support in-water technology development with international partners using existing cooperative procedures (including memoranda of understanding)—

''(A) to allow cooperative funding and other support of value to be exchanged and leveraged; and

''(B) to encourage international research centers and international companies to participate in the development of water technology in the United States and to encourage United States research centers and United States companies to participate in water technology projects abroad.''.

SEC. 7003. NATIONAL MARINE RENEWABLE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTERS.

Section 634(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17213(b)) is amended to read as follows:

''(b) PURPOSES.—A Center (in coordination with the Department and National Laboratories) shall—

''(1) advance research, development, demonstration, and commercial application of marine and hydrokinetic renewable energy technologies;

''(2) support in-water testing and demonstration of marine and hydrokinetic renewable energy technologies, including facilities capable of testing—

''(A) marine and hydrokinetic renewable energy systems of various technology readiness levels and scales;

''(B) a variety of technologies in multiple test berths at a single location; and

''(C) arrays of technology devices; and

''(3) serve as information clearinghouses for the marine and hydrokinetic renewable energy industry by collecting and disseminating information on best practices in all areas relating to developing and managing marine and hydrokinetic renewable energy resources and energy systems.''.

SEC. 7004. AUTHORIZATION OF APPROPRIATIONS.

Section 636 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17215) is amended by striking ''2008 through 2012'' and inserting ''2016 through 2019''.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Florida (Mr. DEUTCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. DEUTCH. Mr. Chair, H.R. 8, the North American Energy Security Infrastructure Act, was crafted to support the modernization of our Nation's energy infrastructure and the promotion of energy efficiency.

The Deutch-Takai amendment builds on this legislation by supporting further development of one of our Nation's clean, renewable energy sources, marine and hydrokinetic energy.

This amendment reauthorizes the Department of Energy's marine and hydrokinetic research, development, and demonstration programs. This amendment would support the innovative work done by institutions across the country, including Florida Atlantic University in my district. I am so proud that FAU has been a leader in hydrokinetic energy, harnessing the clean power of our oceans to bring America one step closer to energy independence.

FAU's research being done along our pristine coasts in Broward County has already shown the tremendous potential of hydrokinetic energy to produce reliable energy without endangering our beaches or oceans.

These national marine renewable energy research, development, and demonstration centers will serve as information clearinghouses for the marine and hydrokinetic energy industry by providing best practices information on developing and managing these projects so that others can learn from the work being done nationwide and grow this important energy source.

Marine and hydrokinetic energy projects generate energy from waves, currents, such as the gulf stream, and tides in the ocean and estuary or tidal areas. They also can generate energy from free-flowing water in rivers, lakes, or streams.

Marine and hydrokinetic energy projects generate power without the use of a dam or the impoundment of water. Accordingly, the projects have minimal, if any, impact on the surrounding environment.

The ocean waves, currents, and tides are a massive resource that have the potential to produce continuous clean energy. In fact, harnessing only 15 percent of the energy from U.S. coastal waves would produce as much electricity as we currently produce from conventional hydroelectric dams.

Moreover, it has been estimated that the amount of energy that could be produced from waves, currents, and tides along the U.S. coast could provide power to approximately 67 million homes. With more than 50 percent of our Nation's population currently living within 50 miles of coastline, harnessing the energy of ocean waves, currents, and tides and transmitting the energy to our cities and neighborhoods is cost effective and practical.

The Department of Energy has estimated that hydrokinetic energy could provide up to 25 percent of our Nation's power. The agency estimates that California, Washington, and Oregon could have up to 20 percent of their electricity requirements generated from waves, while Hawaii and Alaska could have nearly all of their energy needs provided by marine hydrokinetic energy.

Currently, this still young and developing form of energy technology is in the process of being commercialized.

In Maine, hydrokinetic devices that harness energy from the tides near Cobscook Bay have been connected to the electric grid and provide enough power for 25 to 30 homes. In Hawaii, a hydrokinetic device has become the first to be connected to the electric grid that harnesses energy from waves.

These are the beginning steps toward commercializing this energy form, and it will enable them to become more widespread and provide power to the grids in our cities and communities.

Importantly, this amendment will improve the efficiency of regulations impacting the licensing of marine and hydrokinetic projects. The amendment would provide clarity on the regulations that need to be satisfied for projects seeking a license and the agencies involved in reviewing the licensing process so that innovative projects don't get caught up in needless bureaucracy.

Marine and hydrokinetic will provide a continuous and a clean source of energy. This amendment would support and promote continued investment in research and development of hydrokinetic projects that work to harness power from ocean waves, currents, and tides, as well as our Nation's rivers, lakes, and streams. It would also improve the regulatory barriers that slow the licensing process for these projects.

Marine and hydrokinetic energy is a source of energy we need to continue to develop, improve, and connect to the grid to provide our cities and communities with the electricity that they need.

I thank my colleague from Hawaii, Congressman TAKAI, for all of his work in support of marine and hydrokinetic power and for his support of this amendment.

I strongly urge support for the Deutch-Takai amendment.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chair, I would say that I am convinced that this is a good amendment, and I will be in support of the amendment.

We have many Members, particularly CATHY MCMORRIS RODGERS on our committee, who are strong supporters of hydropower.

□ 2015

This amendment promotes the research, development, and demonstration of marine hydrokinetic energy technologies and improves the regulatory process for such programs. As such, we support the amendment.

I yield back the balance of my time.

Mr. DEUTCH. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. DEUTCH).

The amendment was agreed to.

AMENDMENT NO. 34 OFFERED BY MR. GRAYSON

The Acting CHAIR. It is now in order to consider amendment No. 34 printed in House Report 114–359.

Mr. GRAYSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE ____—OTHER MATTERS

SEC. ____. SMART METER PRIVACY RIGHTS.

(a) ELECTRICAL CORPORATION OR GAS CORPORATIONS.—

(1) For purposes of this section, ''electrical or gas consumption data'' means data about a customer's electrical or natural gas usage that is made available as part of an advanced metering infrastructure, and includes the name, account number, or residence of the customer.

(2)(A) An electrical corporation or gas corporation shall not share, disclose, or otherwise make accessible to any third party a

customer's electrical or gas consumption data, except as provided in subsection (a) (5) or upon the consent of the customer.

(B) An electrical corporation or gas corporation shall not sell a customer's electrical or gas consumption data or any other personally identifiable information for any purpose.

(C) The electrical corporation or gas corporation or its contractors shall not provide an incentive or discount to the customer for accessing the customer's electrical or gas consumption data without the prior consent of the customer.

(D) An electrical or gas corporation that utilizes an advanced metering infrastructure that allows a customer to access the customer's electrical and gas consumption data shall ensure that the customer has an option to access that data without being required to agree to the sharing of his or her personally identifiable information, including electrical or gas consumption data, with a third party.

(3) If an electrical corporation or gas corporation contracts with a third party for a service that allows a customer to monitor his or her electricity or gas usage, and that third party uses the data for a secondary commercial purpose, the contract between the electrical corporation or gas corporation and the third party shall provide that the third party prominently discloses that secondary commercial purpose to the customer.

(4) An electrical corporation or gas corporation shall use reasonable security procedures and practices to protect a customer's unencrypted electrical or gas consumption data from unauthorized access, destruction, use, modification, or disclosure.

(5)(A) Nothing in this section shall preclude an electrical corporation or gas corporation from using customer aggregate electrical or gas consumption data for analysis, reporting, or program management if all information has been removed regarding the individual identity of a customer.

(B) Nothing in this section shall preclude an electrical corporation or gas corporation from disclosing a customer's electrical or gas consumption data to a third party for system, grid, or operational needs, or the implementation of demand response, energy management, or energy efficiency programs, provided that, for contracts entered into after January 1, 2016, the utility has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure, and prohibits the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the customer's consent.

(C) Nothing in this section shall preclude an electrical corporation or gas corporation from disclosing electrical or gas consumption data as required or permitted under State or Federal law or by an order of a State public utility commission.

(6) If a customer chooses to disclose his or her electrical or gas consumption data to a third party that is unaffiliated with, and has no other business relationship with, the electrical or gas corporation, the electrical or gas corporation shall not be responsible for the security of that data, or its use or misuse.

(b) LOCAL PUBLICLY OWNED ELECTRIC UTILITIES.—

(1) For purposes of this section, ''electrical consumption data'' means data about a customer's electrical usage that is made available as part of an advanced metering infrastructure, and includes the name, account number, or residence of the customer.

(2)(A) A local publicly owned electric utility shall not share, disclose, or otherwise make accessible to any third party a customer's electrical consumption data, except as provided in subsection (b) (5) or upon the consent of the customer.

(B) A local publicly owned electric utility shall not sell a customer's electrical consumption data or any other personally identifiable information for any purpose.

(C) The local publicly owned electric utility or its contractors shall not provide an incentive or discount to the customer for accessing the customer's electrical consumption data without the prior consent of the customer.

(D) A local publicly owned electric utility that utilizes an advanced metering infrastructure that allows a customer to access the customer's electrical consumption data shall ensure that the customer has an option to access that data without being required to agree to the sharing of his or her personally identifiable information, including electrical consumption data, with a third party.

(3) If a local publicly owned electric utility contracts with a third party for a service that allows a customer to monitor his or her electricity usage, and that third party uses the data for a secondary commercial purpose, the contract between the local publicly owned electric utility and the third party shall provide that the third party prominently discloses that secondary commercial purpose to the customer.

(4) A local publicly owned electric utility shall use reasonable security procedures and practices to protect a customer's unencrypted electrical consumption data from unauthorized access, destruction, use, modification, or disclosure, and prohibits the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the customer's consent.

(5)(A) Nothing in this section shall preclude a local publicly owned electric utility from using customer aggregate electrical consumption data for analysis, reporting, or program management if all information has been removed regarding the individual identity of a customer.

(B) Nothing in this section shall preclude a local publicly owned electric utility from disclosing a customer's electrical consumption data to a third party for system, grid, or operational needs, or the implementation of demand response, energy management, or energy efficiency programs, provided, for contracts entered into after January 1, 2016, that the utility has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.

(C) Nothing in this section shall preclude a local publicly owned electric utility from disclosing electrical consumption data as required under State or Federal law.

(6) If a customer chooses to disclose his or her electrical consumption data to a third party that is unaffiliated with, and has no other business relationship with, the local publicly owned electric utility, the utility shall not be responsible for the security of that data, or its use or misuse.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from Florida (Mr. GRAYSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GRAYSON. Mr. Chairman, my amendment would establish minimum privacy standards for smart meters on people's homes which are part of the smart electric grid.

According to the U.S. Energy Information Administration, as of 2013, nearly 52 million smart meters have already been installed in the United States. This amendment would prohibit locally publicly owned electric utilities, electrical corporations, or gas companies from sharing, disclosing, or otherwise making accessible to any third party a customer's electrical or gas consumption data.

It would also require these utilities to use reasonable security procedures and practices to protect the customer's unencrypted electrical and gas consumption data from unauthorized access, destruction, use, modification, or disclosure.

Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the 5 minutes in opposition to the amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. And I will use my time to support the amendment.

This amendment does establish minimum privacy standards for smart meters. I think it is a smart amendment, brilliant, and it needs to be adopted.

I encourage my colleagues to support it.

I yield back the balance of my time.

Mr. GRAYSON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. GRAYSON).

The amendment was agreed to.

AMENDMENT NO. 35 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 35 printed in House Report 114–359.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE ___ OTHER MATTERS

SEC. _____. YOUTH ENERGY ENTERPRISE COMPETITION.

The Secretaries of Energy and Commerce shall jointly establish an energy enterprise competition to encourage youth to propose solutions to the energy challenges of the United States and to promote youth interest in careers in science, technology, engineering, and math, especially as those fields relate to energy.

The Acting CHAIR. Pursuant to House Resolution 542, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. I just want to take a moment, Mr. Chairman, as we have been debating important energy issues on the floor of the House, to

offer my deepest sympathy to the families who have lost loved ones in San Bernardino and hope that we will come together as a country and find solutions to this terrible tragedy.

Mr. Chairman, I thank you for giving me the opportunity to introduce this amendment because it talks about the goodness of this Nation and the wonderment of our youth. My amendment particularly is called the Youth Energy Enterprise Competition. It asks the Secretaries of Energy and Commerce to jointly establish an energy enterprise competition to encourage youth to propose solutions to the energy challenges of the United States and to promote youth interests and careers in science, technology, engineering, and math, especially those fields that relate to energy.

As a member of the United States Congress, I have had the privilege of being on the Congressional Award Board that provides medals to young people across the country for their public service, for their volunteerism. I can see when they come to Washington the excitement and the future of this Nation.

I truly believe that the future of this Nation is in energy independence. Economic growth, national security, expanding opportunities, and diversifying the energy sector workforce are critical issues we must invest our time and talent in.

Across America, colleges, community colleges, high schools, and middle schools are talking about science, technology, engineering, and math. We are trying to introduce our children to the wonders of science, technology, engineering, and math.

I do it by introducing my young people to NASA, NASA Johnson, inviting them down to the space center and watching their eyes open in amazement, or my annual Toys for the Kids effort, a big Christmas party, and the most popular entity is the astronaut and the space exhibit. So I know it is in our children.

My amendment is consistent with the administration's commitment to promoting our national economic and homeland security interests and empowering our youth. It asks the Secretaries of the Energy and Commerce Departments to develop a challenge so that our young people can compete with their ideas about the energy challenges of America.

It is a good approach to getting ideas to those of us who are policymakers or maybe even to the world of the energy industry, from those in Silicon Valley—and when I say that, dealing with high tech—to the hard-nosed energy in our Midwest, and certainly down to Houston, Texas, where we are dealing with LNG, natural gas, and oil and looking for new ways to produce that product in a safe and environmentally secure way.

I think this competition will bring forth new ideas, excited young people, maybe starting from elementary or middle school, certainly working with young people in high school and rewarding them for their talent.

Mr. Chairman, this is a number of pictures from my district. One exhibits a community garden but really is teaching young people about soil and the idea of how you raise trees and dealing with the science of farming. Then you have them also dealing with a drone, knowing the technology of that and using it in a good way.

I have faith in America's youth, and I believe that this amendment will help us bring to the forefront their talent and bright new ideas to make this Nation the kind of strong and powerful nation that we know it is but, more importantly, using the genius of our youth to face the 21st century energy challenges.

I ask my colleagues to support my amendment.

Mr. Chair, I have an amendment at the desk.

It is listed in the Committee Report as Jackson Lee #35.

Let me express my appreciation to Chairman UPTON and Ranking Member PALLONE for their leadership and commitment to American energy infrastructure development, security, independence and economic growth.

I also wish to thank Chairman SESSIONS, Ranking Member SLAUGHTER, and the members of the Rules Committee for making in order Jackson Lee Amendment #35.

Mr. Chair, thank you for the opportunity to explain my amendment, which provides:

YOUTH ENERGY ENTERPRISE COMPETITION

The Secretaries of Energy and Commerce shall jointly establish an energy enterprise competition to encourage youth to propose solutions to the energy challenges of the United States and to promote youth interest in careers in science, technology, engineering, and math, especially, as those fields relate to energy.

Mr. Chair, American energy independence, economic growth, national security, and expanding opportunities and diversifying the energy sector workforce are critical issues we must invest our time and talent in.

But we can diversify the energy sector only if we encourage our youth to be interested in energy related fields, which will position our nation as the leader in the 21st century.

H.R. 8 seeks to continue to modernize energy infrastructure, help our nation build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, promote energy efficiency and government accountability.

As the Member of Congress from Houston, the energy capital of the nation, I am always looking to support energy policies that not only make our nation more energy independent and create jobs but one that also invests in the future of America: our youth.

According to the Department of Education, 16 percent of American high school seniors are proficient in math and interested in a STEM career.

We need to improve on getting more youth interested in and excited about careers in STEM.

My Amendment seeks to inspire youth and create opportunities for youth to become excited about careers in the energy industry and to pursue energy related educational degrees in the STEM industry.

The Administration and our nation as a whole must remain committed to inspiring, educating and equipping the next generation of Googles, Amazons, Twitters and Facebooks of the energy sector.

In today's world, one only need look at all the technology we need to get by in our day to day dealings to understand the impact of STEM on our lives.

Toddlers now have hand-held tablets to watch their cartoons such as Pepper the Pig and Thomas the Train, owing to innovation in technology and exposure to technology.

Similarly, in the science, technology, engineering and math fields as it relates to energy, young people can be the solution to some of the challenges faced by our nation, but only through preparedness.

Indeed, educating our youth in Science, Technology, Engineering, and Mathematics (STEM) fields is central to U.S. economic competitiveness and growth.

According to a PEW Research Report, countries like Hong Kong, Singapore and Taiwan are leading the way in the globe in educating and preparing their youth in STEM.

My Amendment seeks to propel U.S. youth so that they surpass their peers in the global community.

Specifically, this Amendment directs the Secretaries of Energy and Commerce to jointly establish an energy enterprise competition to encourage youth to propose solutions to the energy challenges of the United States and to promote youth interest in careers in science, technology, engineering, and math, especially as those fields relate to energy.

We need to prepare tomorrow's leaders for the competitive world of energy independence, security and infrastructure building.

Part of our long-term strategy ought to be to stimulate and promote innovation among young people to meet tomorrow's sure demand for adequate supply of a qualified workforce in the STEM fields, specifically as it relates to energy.

Mr. Chair, my Amendment will create the space and nurture the platform to develop our young people's ability to think deeply about the energy challenges of our nation and the role they can play in coming up with solutions.

A youth energy enterprise competition can be the breeding ground for future innovators, educators, researchers, and leaders in the energy sector who can solve the most pressing challenges facing our nation and our world, both today and tomorrow.

For all these reasons, I urge my colleagues to join me and support Jackson Lee Amendment #35.

Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the 5 minutes in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. UPTON. But there is no way I could oppose this amendment, let me just say from the beginning.

This amendment directs the Secretaries of Energy and Commerce to jointly establish an energy enterprise competition to promote youth interest in careers in science, technology, engineering, and math, especially as those fields related to energy.

I heard from one of my heroes today, Dean Kamen, probably the best inventor of our time. He has, on his own, started just a wonderful program employing hundreds of thousands of youth all around the country, all around the world, a competition called FIRST Robotics, to really get high school and middle school students invested in looking at the science of so many different things in competitions that I participated in.

My Governor, Rick Snyder, who was in town tonight, was honored as I think the number one guy in the Nation earlier this year in Michigan. We are going to have the national competition in Detroit, I want to say, in 2 years. But I have been at the regional competition for this, and where kids and mentors and companies are invested, this is the future of science in so many different things.

This is a great amendment. I would urge all my colleagues to vote for it. I know that, as I look at my friendship with Dean Kamen, he will probably never talk to me again if I oppose the amendment. It is a great amendment. It should have been done as part of our committee mark.

I look forward to working with the Education committees and appropriators to make sure that it is funded. It is a good thing. I would urge all my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, I thank the gentleman from Michigan. I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I just want to thank my colleague from Texas for coming up with such a great program for young people. Listening to her and her sense of optimism about the future, I think that is what we need to encourage with our young people. I was so pleased to see that the chairman of our committee also supports it.

I would like to lend my support and urge the amendment's adoption.

Ms. JACKSON LEE. If I may, Mr. Chairman, I want to thank Mr. UPTON for his enthusiasm.

Dean Kamen is a hero of all of us. As I said, the greatest joy that I have seen in my young people when I invite them out is going to NASA Johnson out in Houston and, as well, when I bring the astronauts either to their schools or, more importantly, when NASA goes out to the schools. But when I have this big Christmas party, Santa Claus comes, but I will tell you that the astronauts are enormously popular.

I want to thank Mr. PALLONE, as well, for being committed to the energy and the dreaming and the inspiration and talent of our young people. That is what this amendment is about. I hope we can work together to find the funding but, more importantly, to get our young people engaged. I think they will have a lot of answers.

I ask my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 36 OFFERED BY MS. MENG

The Acting CHAIR. It is now in order to consider amendment No. 36 printed in House Report 114–359.

Ms. MENG. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE____—OTHER MATTERS

SEC. _____. MODERNIZATION OF TERMS RELATING TO MINORITIES.

(a) OFFICE OF MINORITY ECONOMIC IMPACT.—Section 211(f)(1) of the Department of Energy Organization Act (42 U.S.C. 7141(f)(1)) is amended by striking ''a Negro, Puerto Rican, American Indian, Eskimo, Oriental, or Aleut or is a Spanish speaking individual of Spanish descent'' and inserting ''Asian American, African American, Hispanic, Puerto Rican, Native American, or an Alaska Native''.

(b) MINORITY BUSINESS ENTERPRISES.—Section 106(f)(2) of the Local Public Works Capital Development and Investment Act of 1976 (42 U.S.C. 6705(f)(2)) is amended by striking ''Negroes, Spanish-speaking, Orientals, Indians, Eskimos, and Aleuts'' and inserting ''Asian American, African American, Hispanic, Native American, or Alaska Natives''.

The Acting CHAIR. Pursuant to House Resolution 542, the gentlewoman from New York (Ms. MENG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. MENG. Mr. Chair, this bipartisan amendment is simple. It seeks to strike the term ''Oriental'' from Federal law in the last two remaining instances it is used to refer to a person within the Federal law.

I thank my colleague and my friend, Chairman ROYCE, for cosponsoring this amendment with me.

Mr. Chair, in the same way, I would not want either of my children to be referred to as ''Oriental'' by their teacher at school, I hope we can all agree that the term ''Oriental'' no longer deserves a place in Federal law.

Toward that end, this amendment strikes the offensive term from 42 U.S.C. 7141 and 42 U.S.C. 6705, two sections of Federal law written in the 1970s that fall under the jurisdiction of the Committee on Energy and Commerce.

Congress once found it appropriate to pass laws such as the Chinese Exclusion Act and the Geary Act, but we also found it appropriate to repeal them. Times change. What is acceptable changes, and this Congress more often than not yields to that change.

Mr. Chair, I call on my colleagues to join me in striking the legal use of outdated terms that many in the community would find offensive. I thank the Committee on Rules for making this amendment in order. I thank the chairman for allowing me time to speak on what is an important issue to my district, and I thank, again, Mr. ROYCE for his support and his cosponsorship of this amendment.

I urge support for the amendment.

Mr. Chair, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition, but again, I strongly support this amendment.

The Acting CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. UPTON. Mr. Chair, I am delighted that Ms. MENG brought this to our attention. Mr. ROYCE is a very dear friend. I know we all share the same thoughts. I also want to just thank PETE SESSIONS, chairman of the Committee on Rules, for making this amendment in order. I would urge all my colleagues to support the amendment and appreciate it being offered tonight.

I yield back the balance of my time.

Ms. MENG. Mr. Chair, I thank the gentleman for his kind words.

I yield back the balance of my time.

Mr. ROYCE. Mr. Chair, I rise today to speak in support of the amendment to H.R. 8 introduced by my colleague, the Gentlewoman from New York, Representative MENG.

Racism and discrimination has no place in America today. We are a nation of immigrants that is proud of its diversity.

And when we get the chance, we should correct the mistakes of the past. That is what this amendment is about. The Federal Code still contains language on ethnicity that is antiquated and inappropriate. Our society has progressed a great deal in the last 100 years. It is time for us to do the same to our Federal Code.

This amendment eliminates outdated, disrespectful terms from federal law and replaces them with terms, such as "Asian American," "Alaska Natives," and "Hispanic," that are more appropriate for our times and in keeping with our values.

Deleting inappropriate terms from usage in the U.S. Code is a simple means of demonstrating respect for our nation's diversity, and it will have no effect on the underlying federal laws.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. MENG).

The amendment was agreed to.

AMENDMENT NO. 37 OFFERED BY MR. PALLONE

The Acting CHAIR. It is now in order to consider amendment No. 37 printed in House Report 114–359.

Mr. PALLONE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

TITLE VII—EFFECTIVE DATE

SEC. 7001. EFFECTIVE DATE.

This Act shall not take effect until the Energy Information Administration has analyzed and published a report on the carbon impacts of the provisions of this Act.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from New Jersey (Mr. PALLONE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, despite original efforts to pass a bipartisan bill to address some of our energy infrastructure needs, H.R. 8 has become an attempt by the Republican Party to create backward-facing legislation that replaces many good provisions with legislation that would continue to reward polluters and contribute to our climate change issue.

□ 2030

In yesterday's debate on the CRAs, we heard time and again that climate change is not a priority for Republicans because they are more concerned with the economy and jobs.

Unlike the rhetoric that they would have us believe, a good economy and sound environmental policies are not mutually exclusive. We have actually experienced a boost in the economy under the Clean Air Act.

However, climate change is having a real effect on our communities, from more frequent extreme weather events, like Hurricane Sandy, to the extreme drought in California, to the floods experienced in Florida. The emotional and economic tolls of these events have been great and will continue to increase the longer this Congress ignores these pressing issues.

Mr. Chairman, we cannot continue to ignore climate change and disseminate misinformation. We are putting ourselves on a track towards irreparable damage.

Climate change and energy are inexorably linked. Each are a facet of the other. Energy is the source of 84 percent of U.S. greenhouse gas emissions, and any energy bill has a large impact on the direction of energy investment.

To that end, it is critical that legislation that is focused on developing U.S. energy policy move the country on the right path by helping to reduce carbon pollution, not to increase it. It is imperative that U.S. energy policy promote clean forms of energy and help make all energy use more efficient.

A necessary step to understanding its potential impact on emissions is to have the energy bill scored before it is enacted, and my amendment would do just that. The energy bill would be submitted to the Energy Information Administration, who would determine the overall short- and long-term impacts of the bill on U.S. greenhouse gas emissions: the Climate Pollution Score. The bill should not be enacted until such an analysis is complete.

Mr. Chairman, we know that the higher levels of greenhouse gases will continue to perturb our climate and impact public health. The responsible choice is to ensure that we are not contributing to the problem.

As Members of this Congress, it is our responsibility to protect the interests of Americans, which includes protecting Americans from the devastating effects of climate change while we still can. This amendment will allow us to do just that by giving us necessary information to analyze the effects of this legislation.

So I strongly urge my colleagues to vote to protect Americans by voting for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. This amendment, as properly stated, would provide that the bill should not take effect until the Energy Information Administration has done a study and prepared a report on the carbon impacts of the provision.

So, in essence, it would delay implementation of the bill indefinitely. And we believe that that would be a diversion, as the focus of this bill is to modernize our energy infrastructure and ensure access to affordable, reliable energy in a strong economy as fast as we can.

An economy based on reliable, affordable energy provides the means for the prosperity for future generations and the economic strength to respond and adapt to future challenges. It is particularly true when it comes to risks of climate change, whether natural or man-influenced.

The bill promotes technological innovation; the development of resilient, efficient energy infrastructure; and a strong economy to withstand climate events, regardless of the causes. Delaying the measures in this bill denies the public a direct path to a stronger, more resilient energy infrastructure and greater economic growth.

Because of those reasons, I would urge my colleagues to vote against my friend's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield myself such time as I may consume.

The score that I am asking for that would be done by the Energy Information Administration would not indefinitely delay the bill. They have the ability to do the scoring.

This is an independent agency within the Energy Department that was created on a bipartisan basis. It is nonpartisan. It collects energy data for the United States. And once the score was attributed, the bill could move forward.

But the point is we need to know what the impact is going to be on the environment, on air pollution, and on climate change.

I think that my concern, of course, is that this legislation was scored negatively, and that is the reason why I think we need to have a score. It is certainly not going to delay the bill indefinitely, as was suggested by the chairman.

I urge a vote in favor of this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PALLONE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 38 OFFERED BY MR. NORCROSS

The Acting CHAIR. It is now in order to consider amendment No. 38 printed in House Report 114–359.

Mr. NORCROSS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title III, add the following new section:

SEC. 3007. REPORT ON SMART METER SECURITY CONCERNS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall transmit to Congress a report on the weaknesses in currently available smart meters' security architecture and features, including an absence of event logging, as described in the Government Accountability Office testimony entitled ''Critical Infrastructure Protection: Cybersecurity of the Nation's Electricity Grid Requires Continued Attention'' on October 21, 2015.

The Acting CHAIR. Pursuant to House Resolution 542, the gentleman from New Jersey (Mr. NORCROSS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. NORCROSS. Mr. Chairman, I yield myself such time as I may consume.

First of all, I appreciate the chairman and ranking member bringing this bill to us.

As we know and the title indicates, this is about energy security. Well, my amendment is very simple and direct. We are urging and specifically directing that the Secretary of Energy study the potential cybersecurity weakness in smart meters and to report back on this in 1 year.

So the first question is: What is a smart meter? For the consumer, it is that little box outside your air conditioner or by the panel. It provides savings to the consumer, and to the utility provider, it is about providing that secure, reliable electricity at a competitive price.

But these meters were designed back before the world as we know it today. Now we have to think of things very differently and think of them before they happen.

So what are the risks? A GAO official revealed the vulnerability in these

smart meters. There are approximately 40 million to 50 million of these meters that are already installed in hospitals, churches, homes, and in industry that could potentially be a target for hackers. That is why we should be concerned.

The CIA report spoke about that malicious activity against IT systems and power systems overseas. Our society has become so reliant on the very electricity that we are standing under today that those who would do damage to our country might have a vulnerability here. And we need to act before they do. This is why I bring this amendment forward.

I started out as an electrician many years ago, so I understand the power side of it. I sit on the Emerging Threats Subcommittee. I hear those threats each and every day. We have to make sure that we keep our homes, our businesses, and, most importantly, our military safe.

We are talking about damaged equipment and potentially massive blackouts, not just like the ones we had in New York almost a decade ago but potentially taking down our entire grid.

Smart meters are now part of the fabric of what we do day in and day out. This amendment very carefully identifies those vulnerabilities. I would urge members to support this.

Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I rise in opposition, but I support the amendment.

The Acting CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. UPTON. This is the second smart amendment that is part of this. Both are good. We adopted the Grayson amendment a little while ago. It was a good amendment.

This amendment directs the Secretary of Energy to study weaknesses in the security architecture of certain smart meters currently available and promulgate regulations to mitigate those weaknesses.

We want every home to be safe, absolutely. We need to take all those steps, whether it be people's individual billing, whatever it might be. It is a good amendment. As I told Mr. GRAYSON, it is brilliant, smart.

I appreciate the gentleman's amendment, and I urge my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

Mr. NORCROSS. I certainly appreciate the support. This is just one of many items that we have to look forward to before those who want to do us harm. So I appreciate it, and I urge the passing of this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. NORCROSS).

The amendment was agreed to.

Mr. UPTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALLEN) having assumed the chair, Mr. WOODALL, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes, had come to no resolution thereon.

SYRIAN REFUGEES

The SPEAKER pro tempore (Mr. WOODALL). Under the Speaker's announced policy of January 6, 2015, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, although there are apparently those in the media that think it is fun to belittle people who express their great sympathy, thoughts, and prayers for the victims and their families out in San Bernardino, California, right now, those of us who care do extend our thoughts and prayers for those people.

We don't know quite yet who the perpetrators were. I think this is important, as we have been talking about Syrian refugees quite a bit the last few weeks, and the President's intention to bring Syrian refugees into this country.

Our friend, Senator JEFF SESSIONS, provided a list of 12 vetted refugees from areas where we actually had material, where we had information. Unlike the Syrian refugees, the FBI and Homeland Security felt they had plenty of information to vet these individuals, did vet them, thoroughly checked them out, and then brought them into the country.

This article from Neil Munro is dated November 24, 2015. He mentions:

''Senator Jeff Sessions is out with a list of 12 vetted refugees who quickly joined jihad plots to attack the United States.

''He's spotlighting the refugees-turned-jihadis because he's trying to prod GOP leaders into halting Congress' normal practice of giving the President huge leeway to import foreign migrants and refugees into the United States.''

It goes on: ''Obama says the new refugees will be vetted. But top security officials say the Syrians can't be vetted because the U.S. doesn't know what they were doing in Syria before they applied for refugee status.''

□ 2045

The article goes on:

''Besides, many of the jihad attempts in the United States are launched by the children of Muslim refugees and migrants. That list include the two Chechen brothers who bombed the Boston Marathon, and Anwar al-Awlaki who was killed by a U.S. missile strike when he fled to Yemen after the 9/11 atrocity. That means the Americans' federal government is actively importing national-security problems that will eventually cost billions of dollars to manage, but cannot be eliminated.''

And this list only covers 2015. There may be many more from 2015. There are certainly many more from prior years.

But here are just some of the individuals that this administration completely vetted, made sure they were not a threat to the United States and our people, and, yet, brought them in only to find they were and are terrorists.

On January 29, 2015, in the United States District Court for the Eastern District of Virginia, a Federal warrant was unsealed for the arrest of Liban Haji Mohamed—a native of Somalia who sources indicate came to the United States as a refugee, adjusted to lawful permanent resident status, and subsequently and applied for and received citizenship.

''Mohamed is believed to have left the U.S. on July 5, 2012, with the intent to join Al-Shabaab in East Africa. Mohamed previously lived in the metro D.C. area and worked as a cab driver, and is believed to have snuck across the border to Mexico after being placed on the no-fly list. Carl Ghattas, Special Agent in Charge of the FBI's Washington, D.C. Field Office, emphasized the importance of locating Mohamed: 'Because he has knowledge of the Washington, D.C., area's infrastructure such as shopping areas, Metro, airports, and government buildings, this makes him an asset to his terrorist associates who might plot attacks on U.S. soil.' '' One refugee.

Second refugee: On February 5, 2015, a native of Somalia came to the United States as a refugee. And this was done under the Bush administration. Abdinassir Mohamud Ibrahim came at the age of 22, in 2007, and then was later adjusted to lawful permanent resident status.

But, on February 5, he was sentenced to 15 years in federal prison for conspiring to provide material support to Al-Shabaab, a designated foreign terrorist organization. He lied on his application for citizenship, lied on his request for refugee status, and falsely claimed—these are what he was convicted of and charged with—falsely claiming that he was a member of the minority Awer clan in Somalia and subject to persecution by the majority Hawiye clan. However, Ibrahim was actually a member of the clan that was the persecutor and not the persecuted. That was Mr. Abdinassir Mohamud Ibrahim.

Also, in Missouri, Abdullah Ramo Pazara, a native of Bosnia, came to the United States as a refugee, completely

vetted, adjusted to lawful permanent resident status, was made a citizen in 2013, 5 years into the President's administration.

He has been named in an indictment with five other individuals as a terrorist. He is thought to be dead, but the others listed provided material support to Pazara who allegedly left the United States to go to Syria and fight with ISIS just 11 days after becoming a U.S. citizen.

Then there is also Ramiz Zijad Hodzic. A native of Bosnia, he is a purported Bosnian war hero who came to the United States as a refugee. He is charged with conspiring to provide material support and resources to terrorists and providing material support to terrorists.

You also have this year Sedina Unkic Hodzic, wife of Ramiz Zijad Hodzic, also a native of Bosnia. She came to the U.S. as a refugee. She is charged this year with conspiring to provide material support and resources to terrorists and providing support to terrorists.

Then you have Armin Harcevic. He came to the United States as a refugee from Bosnia and subsequently had that adjusted to lawful permanent resident status. He is charged with providing material support to terrorists. He collected money from third parties and wired it and his own funds to terrorists.

Then you also have Nihad Rosic, a native of Bosnia, who sources indicate came to the United States as a refugee. He applied for and was granted citizenship and has been charged with conspiring to provide material support and actually providing material support to terrorists.

He is a truck driver and a former mixed martial arts fighter. He previously had been charged with endangering the welfare of a child after punching a woman in the face while she held a child. In a separate incident, he was charged with assault after allegedly beating his girlfriend. But, apparently, nothing came of those charges until he was charged with supporting terrorism.

Mediha Medy Salkicevic, a native of Bosnia, came to the United States as a refugee, applied for and was granted citizenship, was also charged with conspiring to provide material support and resources to terrorists and providing that support to terrorists.

Salkicevic was formerly an employee with a cargo company that deals with items coming in and out of Chicago's O'Hare International Airport, another refugee alleged by this administration to now be a terrorist.

Jasminka Ramic, a native of Bosnia, came as a refugee, applied for and was made a citizen, was charged with conspiring to provide material support and resources to terrorists and providing that support to terrorists by this administration.

You have got Abdurahman Yasin Daud, born in a refugee camp in Kenya. He came to the United States as a refugee when he was a child and was subsequently adjusted to a lawful permanent resident, has been charged with conspiracy to attempt to provide material support to ISIS. He and another individual are alleged to have driven from Minnesota to San Diego to attempt to get passports, cross the border in Mexico, and fly to Syria.

Also, this year you have Guled Ali Omar, born in a Kenyan refugee camp. He came to the United States as a refugee. The United States gave him citizenship. This administration has charged him with conspiracy and attempting to provide material support to ISIS.

Another one of his brothers, Mohamed Ali Omar, was convicted in March of threatening Federal agents when they came to the residence to interview Guled Omar.

The U.S. Attorney for the District of Minnesota said that Omar ''never stopped plotting'' and had previously attempted to leave the United States, another one of the refugees turned U.S. citizen, all the while, at least part of the time, a terrorist.

And then also this year, in August, a native of Uzbekistan, Fazliddin Kurbanov, came as a refugee in 2009, was found guilty on charges he conspired and attempted to provide material support to a designated foreign terrorist organization and possessed an unregistered destructive device.

U.S. Assistant Attorney General John Carlin stated that he conspired to provide material support to the Islamic movement of Uzbekistan and procured bomb-making materials in the interest of perpetrating a terrorist attack on American soil.

According to press reports, Kurbanov began his life as a Muslim, supposedly faced persecution when his family converted to Christianity and came to the United States with his family as a refugee, and, as it turned out, he is Islamic and radicalized.

So it is interesting. This administration assures us we have nothing to fear, nothing to be concerned about. I am not afraid, but I am concerned about the oath that every one of us take.

We are supposed to provide for the common defense in this country. It is an obligation we have. I think it is the most important obligation we have. We are supposed to protect the Constitution against all enemies, foreign and domestic.

As Andrew McCarthy pointed out this past week in one of his articles on National Review Online, it should be important not merely to check to see if we have any information about an individual wanting to come here as a refugee or gaining a visa, however they intend to come, illegally, as millions have, more are every day.

It would be important to ask not simply is this person a terrorist right now, but it would also be important to ask: Are you one of the two-thirds or so that have been reported to be in the United States or wanting to come into the United States as a Muslim who believes that Shari'ah law should replace the Constitution?

Because, if those reports are accurate, that two-thirds of the Muslims here believe Shari'ah should replace the Constitution, and they are immigrants and they become citizens, then it means that they absolutely perjured themselves in their oath.

That should be grounds for revoking their citizenship. And if it can't be used as such, we need to make sure it is used as such by what we do here in Congress.

In the meantime, we have heard Ben Rhodes and so many others say: Oh, yeah. No. The FBI, Homeland Security, are going to be able to vet everybody really well.

FBI Director Comey has made clear publicly—regardless of what he said privately, that does not change anything he said publicly. Publicly he has made clear: Yeah. We will vet them. But when you tell us their names, we have nothing to either verify or disprove what they have said.

We have got nothing. We don't have any records from Syria. We don't know if they are even from Syria. We don't know. We don't have the information to vet them.

FBI had more information to vet people coming from Iraq, and we know that they missed a couple of terrorists that were in Kentucky that were allowed in. I think it was 2009. And it turns out they just missed that their fingerprints—at least one of them—was on an IED in Iraq. The guy is a terrorist.

□ 2100

So despite what this administration tries to assuage, the borders are open. We have Syrian refugees that the President is bringing into the United States, even when Governors say: We understand you can't vet these people, so you are not bringing them into our States.

I see this afternoon that the Governor of my State, Greg Abbott, has sued the administration because the administration has made clear: We don't care what you think, we don't care that you are Governor of your State, and we don't care about the 10th Amendment. We say we are putting Syrian refugees in Texas, and there is nothing you can do about that.

Mr. Speaker, that kind of reminds me of the kind of things that King George and his bureaucrats used to say before the Revolution. When King George decided he would put his British soldiers anywhere he wanted to and there was nothing the people here could do about it, he would put them in their houses. He didn't care what it did to their property values. He didn't care anything about that. We don't need a revolution. We just need to have Congress hold the President accountable for his administration's lawlessness.

Mr. Speaker, the President has got to secure our borders. He is putting American lives at risk every day. He is putting American lives further at risk since we know now we routinely have people that are completely vetted by the FBI, Homeland Security, and it turns out they are terrorists. The Tsarnaev brothers, even after Russia warned the CIA and the FBI that this guy, this older brother, has been radicalized, the FBI talked to him. He said: I am not radicalized. It is not his exact words. You talk to his mother, she said: No, he is a good boy. And then he went and killed people at the Boston Marathon with his brother.

If we can't even stop people when we are alerted that they are terrorists, how in the world does this President and this administration think they are going to keep the American people safe?

The report here, December 1, Tom LoBianco with CNN, said: ''President Barack Obama's former top military intelligence official said Tuesday that the White House ignored reports prefacing the rise of ISIS in 2011 and 2012 because they did not fit their reelection 'narrative.'

''I think they did not meet a narrative the White House needed. And I'll be very candid with you, they just didn't,' retired Lt. Gen. Michael Flynn, the former head of the Defense Intelligence Agency . . . 'I think the narrative was that al Qaeda was on the run, and Osama bin Laden was dead . . . they're dead and these guys are, we've beaten them,' Flynn said, but the problem was that despite how many terrorist leaders they killed they 'continue to just multiply.'

''Obama has been criticized by opponents for referring to ISIS as the 'JV squad' and apparently underestimating the group's threat.''

Well, Mr. Speaker, since we know the President has underestimated ISIS as a threat, clearly underestimated them, and there is no clear strategy to deal with them, what makes us think that this administration is going to do a better job of vetting potential terrorists coming into this country and underestimating them the way they have so many other refugees that have been brought into the country?

Another article from Jim Hoft, December 2, 2015, quoting the President: ''Yes. He really said this.

''You go down to Miami and when it's flooding in high tide on a sunny day, the fish are swimming through the middle of the streets.'''

The Wall Street Journal reported the same thing, the same quote. But The Wall Street Journal reported: ''We go down to Miami with some frequency and have never seen any such thing. And believe us, we know how to troll.''

But the President can find fish in the streets of Miami that nobody else seems to see, but he can't seem to notice how wide open our border is, what a threat to our security it is, and what a threat refugees are who we cannot determine who they are, where they came from, what they did, if they kill people, if they are terrorists. He didn't see any of that.

There was a report from today, 4:20 actually, from Adam Kredo from freebeacon.com: ''More than 179,000 illegal immigrants convicted of committing crimes, including violent ones, continue to roam free across the United States, with reports indicating that these illegal immigrants commit new crimes 'every day,' according to lawmakers and the director of the Immigration and Customs Enforcement agency, also known as ICE.

''Sarah Saldana, ICE's director, disclosed to Congress on Wednesday that the agency is apprehending and removing fewer illegal immigrants than in past years.

''Somewhere around 179,029 'undocumented criminals with final orders of removal' from the United States currently remain at large across the country and are essentially untraceable, according to Sen. Chuck Grassley, chairman of the Senate Judiciary Committee, who disclosed these numbers during a Wednesday hearing.

''The total number of criminal illegal immigrants in the United States is in the millions.

''Illegal immigrant criminals are known to be committing new crimes 'every day,' according to Sen. Jeff Sessions, another member of the committee.

''Focus on the threat of criminal illegal aliens comes amid a wider national debate on immigration to the United States and the threat posed by potential terrorists and other criminals.

''The Washington Free Beacon disclosed in August that the Obama administration had been keeping secret the release of violent criminal illegal immigrants and only began notifying local law enforcement agencies about this within the last several months.

''The administration is continuing a policy of hiding information about this issue, as 'several administration officials informed the committee they were unable to testify because the hearing wasn't ''in response to a particular crisis,'' ' Grassley said.

''Saldana revealed at the hearing that somewhere between 30,000 and 40,000 illegal immigrants previously convicted of crimes have been released from custody in recent years due to legal restrictions on how long the agency can detain an individual.''

Here is a quote from Saldana. She said: ''Whether it's a result of protracted appeals or refusal of a country to accept its nationals back, this decision accounts for somewhere between 30,000 and 40,000 convicted criminal alien releases in recent years' . . . noting that the number has dropped over time.

''Lawmakers remain concerned that the Obama administration is dragging its feet when it comes to taking action to deport criminal illegal immigrants. While President Obama has vowed that this would be a priority for his administration, these criminals continue to be released into the United States.

''Many criminals remain in our communities,' Grassley said. 'When will enough be enough? Even those with violent criminal histories aren't being removed as promised . . . American citizens are paying the price while law enforcement officers are instructed to look the other way.'

''There have been 'thousands of victims' of crimes committed by illegal immigrants and 'many of the agency's own officers are unable to do the job they signed up to do,' Grassley said.

''The Obama administration is removing fewer total illegal immigrants from the United States than it was just a few years ago, according to Senator Sessions.

''Not only are total removals down, but the number of removals of criminal aliens from the interior of the United States, the so-called priority, has decreased significantly,' he said. 'The reason for this decrease is not because there are fewer criminal aliens in the U.S. today than just a few years ago, there are hundreds of thousands of known criminal aliens in the United States.'

''New crimes are committed every day by criminal aliens, so while we're not seeing a decrease in crimes committed across this country, we are seeing a decrease in removals of criminal aliens,' Sessions said.

''This cannot be blamed on a lack of financial resources, Sessions said, as Congress has increased funding. Still, deportations have plummeted and the administration is 'doing substantially less with substantially more.'

''Our goal should be to keep 100 percent of all criminal aliens out of the United States. . . . There's nothing wrong or controversial about such a policy.'

''Saldana confirmed that 'overall apprehensions on the border are declining' and the agency's 'removal numbers are lower than they have been in recent years.'

''However, she maintained that the administration is removing 'at a greater proportion' dangerous criminals.

''Of the 235,000 deportations, 59 percent of them were convicted criminals, according to Saldana . . . Yet she said, 'there are also times when despite our best efforts' criminal illegal immigrants 'get released from our custody.'''

An article today from Dianne Solis, Tom Benning, and Brandi Grissom:

''The State of Texas is suing the federal government and the International Rescue Committee, after the New York-based aid agency announced plans to resettle Syrian refugees in Dallas later this week over the strong and repeated objections of Gov. Greg Abbott.

''The State Health and Human Services Commission, filed on Wednesday the suit in U.S. District Court, saying those groups worked to resettle 'refugees in Texas without consulting with

Texas or working in close cooperation with the Commission.'

''The agency, citing 'reasonable concerns about the safety and security of the citizenry of the State of Texas' is seeking a temporary retraining order.

'' 'We have been working diligently with the International Rescue Committee to find a solution that ensures the safety and security for all Texans, but we have reached an impasse and will now let the courts decide.' ''

That is Health and Human Services spokesman Bryan Black.

Tonight at 6:30, I got this article from Tanya Somanader, President Obama on the shooting in San Bernardino. Here is the transcript of the President's comments. This is in an interview with CBS that President Obama spoke about the ongoing situation in California—going on right now—and the unacceptable pattern of mass shootings the U.S. is facing.

Mr. Speaker, let me just parenthetically insert before reading his quote, we don't know who these shooters are yet. We don't know. We don't know their reason for doing what they did. I mean, some on the left have already tried to report that it was right by a Planned Parenthood facility when that was a mile away, trying to do whatever they can to try to avert responsibility—any responsibility—that the administration has. We have seen Kathryn's Law come about because Kathryn was shot in California in a sanctuary city that protected people who were illegally in this country and criminals like the one that shot Kathryn. And this administration protects sanctuary cities and lets them continue to just ignore Federal law. The lawlessness of this administration seems to know no bounds. If lawlessness breeds lawlessness, then the lawlessness of this administration has put this country in severe jeopardy.

□ 2115

But here is what the President said, part of his quote from this evening, about the shooting in California. And I am quoting the President.

''And for those who are concerned about terrorism, some may be aware of the fact that we have a no-fly list where people can't get on planes, but those same people who we don't allow to fly could go into a store right now in the United States and buy a firearm, and there's nothing that we can do to stop them. That's a law that needs to be changed.''

The President, the entire time he has been in office, has tried to subvert the Second Amendment to our United States Constitution and our Bill of Rights. He has tried every which way he can, whether using Social Security laws or all kinds of ways, to take away Americans' Second Amendment right to keep and bear arms.

As we see that the administration has been knowingly allowing criminals into this country illegally and allowing refugees to come into this country that were terrorists and even finding out, getting word that there were people who have become terrorists and not taking action to stop the death that followed, how dare anyone allow people to come into the United States illegally, knowing that there are some criminals coming in with people that are coming in illegally, knowing that there are criminals in the United States that this administration has allowed to be released after they have committed crimes.

And then coming to the point now today where he says, you American citizens are going to have to give up your Second Amendment rights to keep and bear arms because I have allowed so many people who are terrorists in here and we don't want terrorists to get guns. That is an outrage. It should not be allowed to stand against any kind of legitimate reasoning.

You can't bring people into this country that are a threat to the country and then, because all these people are here and they might get a gun, you are going to keep law-abiding people from getting guns. That is wrong, and it has to be stopped.

I hope and pray our Congress will stand up and stop the lawlessness and say, we are not letting you bring more refugees into this country that will have some terrorists within their group, as you have already done, and then tell us we have to give up our constitutional rights because you brought terrorists into the country that may want to go buy a gun. Shame on you.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ALLEN). Members are advised to avoid engaging in personalities toward the President.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUELLAR (at the request of Ms. PELOSI) for today and tomorrow.

Mr. PAYNE (at the request of Ms. PELOSI) for today on account of a medical appointment.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The Speaker announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

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 Utility Generating Units''.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 3, 2015, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3590. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's interim rule — Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate [Doc. No.: AMS-FV-15-0035; FV15-906-1 IR] received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3591. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's interim rule — Domestic Dates Produced or Packed in Riverside County, California; Decreased Assessment Rate [Doc. No.: AMS-FV-15-0034; FV15-987-1 IFR] received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3592. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-15-0026; FV15-984-1 FR] received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3593. A letter from the Associate Administrator, Agricultural Marketing Service, Livestock, Poultry, and Seed Program, Department of Agriculture, transmitting the Department's final rule — Soybean Promotion and Research: Amend the Order To Adjust Representation on the United Soybean Board [Doc. No.: AMS-LPS-15-0016] received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3594. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's Major final rule — User Fees for Agricultural Quarantine and Inspection Services [Docket No.: APHIS-2013-0021] (RIN: 0579-AD77) received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3595. A letter from the Associate Administrator, Specialty Crops Program, Promotion and Economics Division, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's termination

of proceeding — Hardwood Lumber and Hardwood Plywood Promotion, Research and Information Order; Termination of Rulemaking Proceeding [Doc. No.: AMS-FV-11-0074; PR-A1, A2, B and B2] received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3596. A letter from the Acting Under Secretary, Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Stanley E. Clarke III, Air National Guard of the United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3597. A letter from the Special Inspector General, Office of the Special Inspector General for the Troubled Asset Relief Program (SIGTARP), transmitting the Program's Quarterly Report to Congress for the period ending October 28, 2015, pursuant to 12 U.S.C. 5231(i); to the Committee on Financial Services.

3598. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the Department's report entitled ''A Clear Vision for the Future of Juvenile Justice, 2013 Annual Report'', pursuant to 42 U.S.C. 5617; Public Law 93-415, Sec. 207 (as added by Public Law 100-690, Sec. 7255); (102 Stat. 4437) and 42 U.S.C. 5773(a)(6); Public Law 93-415, Sec. 404(a)(6) (as amended by Public Law 113-38, Sec. 2(b)); (127 Stat. 527) and 42 U.S.C. 3796ee-8(b); Public Law 90-351, Sec 1808(b) (as added by Public Law 107-273, Sec. 12102(a)); (116 Stat. 1867); to the Committee on Education and the Workforce.

3599. A letter from the Director, Office of Government Relations, Corporation for National and Community Service, transmitting the Corporation's final rule — Implementation of Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (RIN: 3045-AA61) received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

3600. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Artificially Sweetened Fruit Jelly and Artificially Sweetened Fruit Preserves and Jams; Revocation of Standards of Identity [Docket No.: FDA-1997-P-0007 (formerly Docket No.: 1997P-0142)] received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3601. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's Major final rule — Federal Motor Vehicle Safety Standards; Electronic Stability Control Systems for Heavy Vehicles [Docket No.: NHTSA-2015-0056] (RIN: 2127-AK97) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3602. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was Declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c) and 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

3603. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c) and 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

3604. A letter from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's semiannual report for the period of April 1, 2015, through September 30, 2015, pursuant to 5 U.S.C. app. Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

3605. A letter from the Chairwoman, Federal Trade Commission, transmitting the Commission's semiannual report to Congress for the period April 1, 2015, through September 30, 2015, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

3606. A letter from the Chairman, National Endowment for the Arts, transmitting the Endowment's semiannual report for the period of April 1, 2015 through September 30, 2015, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

3607. A letter from the Acting Chair, Occupational Safety and Health Review Commission, transmitting the Commission's Fiscal Year 2015 Performance and Accountability Report, pursuant to 31 U.S.C. 3515(a); Public Law 101-576, Sec. 303(a); (104 Stat. 2849); to the Committee on Oversight and Government Reform.

3608. A letter from the Chief, Branch of Recovery and State Grants, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of the Delmarva Peninsula Fox Squirrel From the List of Endangered and Threatened Wildlife [Docket No.: FWS-R5-ES-2014-0021; FXES11130900000; 4500030113] (RIN: 1018-AY83) received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3609. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish In the Bering Sea and Aleutian Islands Management Area; Correction [Docket No.: 141021887-5172-02] (RIN: 0648-XE223) received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3610. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2015-4207; Directorate Identifier 2015-NM-123-AD; Amendment 39-18304; AD 2015-21-11] (RIN: 2120-AA64) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3611. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2015-0498; Directorate Identifier 2014-NM-152-AD; Amendment 39-18305; AD 2015-22-01] (RIN: 2120-AA64) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3612. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2015-4205; Directorate Identifier 2015-NM-149-AD; Amendment 39-18301; AD 2015-21-08] (RIN: 2120-AA64) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3613. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: FAA-2015-0783; Amendment No.: 97-1337] (RIN: 2120-AA65) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3614. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2014-0574; Directorate Identifier 2013-NM-258-AD; Amendment 39-18315; AD 2015-22-10] (RIN: 2120-AA64) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3615. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation (Type Certificate Previously Held by Schweizer Aircraft Corporation) [Docket No.: FAA-2015-1008; Directorate Identifier 2013-SW-064-AD; Amendment 39-18317; AD 2015-23-01] (RIN: 2120-AA64) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3616. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Placida, FL [Docket No.: FAA-2015-2890; Airspace Docket No.: 15-ASO-8] received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3617. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule, correction — 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 [Docket No.: FAA-2015-0842; Airspace Docket NO.: 15-ACE-2] received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3618. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Burbank, CA [Docket No.: FAA-2015-1140; Airspace Docket No.: 15-AWP-5] received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3619. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Helicopters [Docket No.: FAA-2015-4345;

Directorate Identifier 2015-SW-049-AD; Amendment 39-18306; AD 2015-22-02] (RIN: 2120-AA64) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3620. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GA 8 Airvan (Pty) Ltd Airplanes [Docket No.: FAA-2014-1123; Directorate Identifier 2014-CE-037-AD; Amendment 39-18308; AD 2015-06-02 R2] (RIN: 2120-AA64) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3621. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fiberglas-Technik Rudolf Lindner GmbH & Co. KG Gliders [Docket No.: FAA-2015-3300; Directorate Identifier 2015-CE-024-AD; Amendment 38-18309; AD 2015-22-04] (RIN: 2120-AA64) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3622. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Gliders [Docket No.: FAA-2015-3224; Directorate Identifier 2015-CE-026-AD; Amendment 39-18290; AD 2015-20-11] (RIN: 2120-AA64) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3623. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Extension of the Prohibition Against Certain Flights in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) Flight Information Regions (FIRs) [Docket No.: FAA-2014-0225; Amdt. No.: 91-331B] (RIN: 2120-AK78) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3624. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company Turbofan Engines [Docket No.: FAA-2015-1658; Directorate Identifier 2015-NE-18-AD; Amendment 39-18320; AD 2015-23-04] (RIN: 2120-AA64) received November 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3625. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only notice — Publication of the Tier 2 Tax Rates for 2016 received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3626. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Additional Rules Regarding Inversions and Related Transactions [Notice 2015-79] received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3627. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Section 529A Interim Guidance Regarding Certain Provisions of Proposed Regulations Relating to Qualified ABLE Programs [Notice 2015-81] received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3628. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Increase in De Minimis Safe Harbor Limit for Taxpayers Without an Applicable Financial Statement [Notice 2015-82] received December 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3629. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's Privacy Office 2015 Annual Report to Congress, pursuant to 6 U.S.C. 142(a)(6); Public Law 107-296, Sec. 222(5); (116 Stat. 2155); to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 546. Resolution providing for consideration of the conference report to accompany the bill (H.R. 22) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes (Rept. 114–360). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OLSON (for himself and Mr. CONNOLLY):

H.R. 4152. A bill to amend the Public Health Service Act to clarify liability protections regarding emergency use of automated external defibrillators; to the Committee on Energy and Commerce.

By Mrs. ELLMERS of North Carolina (for herself, Ms. CLARKE of New York, Ms. CASTOR of Florida, Ms. ROS-LEHTINEN, and Mrs. LOWEY):

H.R. 4153. A bill to amend the Public Health Service Act to establish a pilot program to test the impact of early intervention on the prevention, management, and course of eating disorders; to the Committee on Energy and Commerce.

By Mr. SHERMAN (for himself, Mr. ROYCE, Mr. ENGEL, and Mr. SALMON):

H.R. 4154. A bill to direct the President to submit to Congress a time frame for the transfer of certain naval vessels to Taiwan pursuant to section 102(b) of the Naval Vessel Transfer Act of 2013, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. BLACK:

H.R. 4155. A bill to require the Center for Medicare and Medicaid Innovation to test the effect of including telehealth services in Medicare health care delivery reform models; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CÁRDENAS (for himself, Mr. ELLISON, Mr. VARGAS, Ms. CLARKE of New York, Ms. MENG, Mr. POCAN, Mr. TAKANO, Mr. POLIS, Mrs. TORRES, Mr. CARSON of Indiana, and Mr. LOWENTHAL):

H.R. 4156. A bill to ensure equal access for HUBZone designations to all tax-paying small business owners; to the Committee on Small Business.

By Mr. CÁRDENAS:

H.R. 4157. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to meet the needs of the American manufacturing workforce, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBSON (for himself and Ms. LEE):

H.R. 4158. A bill to amend the Higher Education Act of 1965 to reinstate the ability-to-benefit eligibility; to the Committee on Education and the Workforce.

By Mr. HIGGINS:

H.R. 4159. A bill to limit the fees charged by the National Archives and Records Administration to veterans for military service records, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. HUFFMAN (for himself, Mr. THOMPSON of California, and Mr. NOLAN):

H.R. 4160. A bill to amend the Rural Electrification Act of 1936 to increase regional telecommunications development, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES (for himself, Mr. GRIFFITH, Mr. MASSIE, and Ms. GABBARD):

H.R. 4161. A bill to amend the Servicemembers Civil Relief Act to require the consent of parties to contracts for the use of arbitration to resolve controversies arising under the contracts and subject to provisions of such Act and to preserve the rights of servicemembers to bring class actions under such Act, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. LOFGREN (for herself and Ms. MATSUI):

H.R. 4162. A bill to promote the domestic development and deployment of clean energy technologies required for the 21st century; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PIERLUISI (for himself, Ms. BORDALLO, Mr. SABLAN, Ms. PLASKETT, Mrs. RADEWAGEN, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. RANGEL):

H.R. 4163. A bill to amend titles XVIII and XIX of the Social Security Act to make premium and cost-sharing subsidies available to low-income Medicare part D beneficiaries who reside in Puerto Rico or another territory of the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEWART (for himself, Mr. CRAMER, Mr. GRAVES of Missouri, Mr. DUNCAN of South Carolina, Mr. RIBBLE, Ms. FOXX, and Mr. AMODEI):

H.R. 4164. A bill to prohibit certain Federal agencies from using or purchasing certain firearms, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. FRANKS of Arizona (for himself, Mr. ADERHOLT, Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. GIBBS, Mr. WALBERG, Mr. POSEY, Mr. MULVANEY, Mr. GOSAR, Mr. SALMON, Mr. PITTS, Mrs. BLACKBURN, Mr. CRAMER, and Mr. SMITH of Texas):

H. Res. 545. A resolution calling for an end to the abuse of the Standing Rules of the Senate and to improve the debate and consideration of legislative matters; to the Committee on Rules.

By Mr. FOSTER (for himself, Mr. TAKANO, Mr. CÁRDENAS, Mr. RYAN of Ohio, Mr. STIVERS, Mr. MULVANEY, Mr. RUSH, Mr. HONDA, and Mr. LANGEVIN):

H. Res. 547. A resolution expressing support for designation of December 3, 2015, as the ''National Day of 3D Printing''; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. OLSON:

H.R. 4152.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mrs. ELLMERS of North Carolina:

H.R. 4153.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause—Article 1, Section 8, Clause 3: ''To regulate Commerce with foreign nations, and among the several states, and with the Indian tribes.''

By Mr. SHERMAN:

H.R. 4154.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mrs. BLACK:

H.R. 4155.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the United States Constitution.

By Mr. CÁRDENAS:

H.R. 4156.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. CÁRDENAS:

H.R. 4157.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. GIBSON:

H.R. 4158.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. HIGGINS:

H.R. 4159.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. HUFFMAN:

H.R. 4160.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or office thereof.

By Mr. JONES:

H.R. 4161.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution, the reported bill is authorized by Congress' power to ''to make Rules for the Government and Regulation of the land and naval Forces.''

By Ms. LOFGREN:

H.R. 4162.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States (clauses 1, 2, and 18), which grants Congress the power to provide for the general welfare of the United States; to borrow money on the credit of the United States; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. PIERLUISI:

H.R. 4163.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution; to make all laws which shall be necessary and proper for carrying into execution such power, as enumerated in Article I, Section 8, Clause 18 of the Constitution; and to make rules and regulations respecting the territories of the United States, as enumerated in Article IV, Section 3, Clause 2 of the Constitution.

By Mr. STEWART:

H.R. 4164.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 27: Mr. LABRADOR.

H.R. 86: Mr. BABIN.

H.R. 158: Mr. RUPPERSBERGER and Mr. DENT.

H.R. 188: Mr. CALVERT.

H.R. 258: Mr. SWALWELL of California.

H.R. 358: Mr. KIND and Mr. KILMER.

H.R. 402: Mr. BARLETTA.

H.R. 721: Ms. LORETTA SANCHEZ of California.

H.R. 731: Mr. GOWDY.

H.R. 814: Mr. PALAZZO.

H.R. 879: Mr. GUTHRIE and Mr. FARENTHOLD.

H.R. 911: Ms. FUDGE.

H.R. 953: Mr. KENNEDY.

H.R. 980: Mr. GRAVES of Louisiana.

H.R. 986: Mr. WENSTRUP.

H.R. 1076: Mr. PERLMUTTER, Mr. THOMPSON of California, Mr. BERA, and Mr. MURPHY of Florida.

H.R. 1188: Mr. CALVERT.

H.R. 1192: Mr. RUPPERSBERGER, Mr. MURPHY of Pennsylvania, and Mr. SHUSTER.

H.R. 1197: Mr. DOLD and Mr. YARMUTH.

H.R. 1220: Mrs. DAVIS of California.

H.R. 1283: Mr. HARDY.

H.R. 1284: Mr. AGUILAR.

H.R. 1411: Mr. PAYNE.

H.R. 1421: Mr. ENGEL.

H.R. 1516: Mr. CRAMER.

H.R. 1559: Mr. RICHMOND.

H.R. 1567: Mr. AGUILAR.

H.R. 1635: Mr. ROONEY of Florida.

H.R. 1652: Mr. SERRANO.

H.R. 1671: Mr. HARPER and Mr. FLEMING.

H.R. 1728: Ms. ADAMS.

H.R. 1786: Mr. SCHRADER.

H.R. 1942: Mr. CURBELO of Florida.

H.R. 2032: Mr. FORBES.

H.R. 2043: Mr. REED, Mr. MEEHAN, Mr. COFFMAN, and Mr. MCKINLEY.

H.R. 2148: Mr. HARRIS.

H.R. 2209: Mrs. ELLMERS of North Carolina and Mr. SMITH of Texas.

H.R. 2264: Mr. MASSIE, Mr. LANCE, Mr. DESANTIS, and Mr. JOLLY.

H.R. 2293: Mr. LAMBORN and Mr. FARENTHOLD.

H.R. 2302: Mr. QUIGLEY and Ms. DUCKWORTH.

H.R. 2403: Mr. FORBES and Mr. RANGEL.

H.R. 2555: Mr. CÁRDENAS.

H.R. 2568: Mr. WILLIAMS.

H.R. 2653: Mr. STEWART.

H.R. 2680: Mr. COHEN, Mr. SHERMAN, Mr. TONKO, Mr. GRAYSON, Mr. SARBANES, Mr. ENGEL, Mr. DEUTCH, and Mr. GALLEGO.

H.R. 2713: Mr. DEFAZIO.

H.R. 2715: Ms. SCHAKOWSKY and Ms. CLARK of Massachusetts.

H.R. 2775: Mrs. TORRES.

H.R. 2844: Mr. DAVID SCOTT of Georgia.

H.R. 2866: Mr. HUFFMAN.

H.R. 2880: Ms. SCHAKOWSKY, Mr. YARMUTH, and Mr. BRADY of Pennsylvania.

H.R. 2902: Mr. PIERLUISI, Mr. BUTTERFIELD, Mr. SABLAN, Mr. TED LIEU of California, Mr. AGUILAR, and Mr. NORCROSS.

H.R. 3036: Mr. CÁRDENAS and Mr. VALADAO.

H.R. 3068: Mr. NORCROSS and Mr. FATTAH.

H.R. 3222: Mr. WEBSTER of Florida.

H.R. 3229: Mr. CRAMER, Mr. BUCSHON, Mr. BILIRAKIS, Mr. FLEISCHMANN, and Mr. LUETKEMEYER.

H.R. 3235: Mr. AMODEI.

H.R. 3323: Mr. BABIN.

H.R. 3326: Mr. DOLD.

H.R. 3381: Mr. YARMUTH.

H.R. 3411: Ms. ESTY and Mrs. NAPOLITANO.

H.R. 3516: Mr. WENSTRUP.

H.R. 3652: Ms. TITUS.

H.R. 3690: Mr. VISCLOSKY.

H.R. 3691: Mr. RANGEL.

H.R. 3719: Ms. KAPTUR.

H.R. 3766: Mr. HUELSKAMP, Mr. JEFFRIES, Mr. MCCAUL, Mr. TROTT, Mr. O'ROURKE, and Mr. HANNA.

H.R. 3784: Mrs. CAROLYN B. MALONEY of New York and Miss RICE of New York.

H.R. 3791: Mr. SESSIONS.

H.R. 3799: Mr. SMITH of Missouri, Mr. HUDSON, and Mr. MOONEY of West Virginia.

H.R. 3802: Mr. WENSTRUP.

H.R. 3815: Mrs. CAROLYN B. MALONEY of New York.

H.R. 3832: Miss RICE of New York.

H.R. 3845: Mr. LATTA.

H.R. 3869: Mr. THORNBERRY and Mr. SWALWELL of California.

H.R. 3880: Mr. THOMPSON of Pennsylvania, Mr. CONAWAY, Mr. CRAWFORD, and Mr. BOST.

H.R. 3932: Mr. CRAMER, Mr. AUSTIN SCOTT of Georgia, and Mr. VALADAO.

H.R. 3940: Mr. MEEHAN, Mr. RUPPERSBERGER, Mr. YODER, and Mr. ROSKAM.

H.R. 3952: Mr. SWALWELL of California.

H.R. 3981: Mr. RANGEL.

H.R. 4007: Mr. HARRIS.

H.R. 4012: Mr. COHEN and Mr. CICILLINE.

H.R. 4016: Mr. RENACCI.

H.R. 4018: Mr. TIPTON, Mr. JOLLY, and Ms. WASSERMAN SCHULTZ.

H.R. 4019: Mr. LARSON of Connecticut.

H.R. 4026: Mr. AUSTIN SCOTT of Georgia.

H.R. 4032: Mr. PALMER, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mr. KELLY of Pennsylvania, Mr. GIBBS, and Mr. PITTENGER.

H.R. 4043: Ms. MOORE.

H.R. 4058: Mr. BISHOP of Utah and Mr. MACARTHUR.

H.R. 4075: Mr. FLORES.

H.R. 4086: Mr. ROUZER.

H.R. 4087: Mr. ASHFORD and Mr. HASTINGS.

H.R. 4088: Mr. LANGEVIN, Mr. SIRES, and Mr. TAKAI.

H.R. 4122: Mr. VELA, Mr. FINCHER, and Mr. STIVERS.

H.R. 4126: Mr. ROE of Tennessee, Mr. PITTS, Mr. KELLY of Pennsylvania, Mr. ROKITA, Mr. POSEY, Mr. GIBBS, Mr. BABIN, Mr. CRAMER, Mr. HUIZENGA of Michigan, Mr. FORTENBERRY, Mr. COLE, Mr. STUTZMAN, Mr. PITTENGER, and Mr. WEBER of Texas.

H.R. 4135: Ms. JACKSON LEE and Mr. CONYERS.

H.R. 4141: Mr. MARCHANT.

H.R. 4144: Mr. COURTNEY, Mr. SCOTT of Virginia, Mr. COHEN, and Mr. CICILLINE.

H. Con. Res. 17: Mr. KNIGHT.

H. Con. Res. 75: Mr. PERRY.

H. Con. Res. 97: Mr. SMITH of Missouri, Mr. BARR, Mr. BARTON, Mr. CHABOT, Mr. CONAWAY, Mr. GOODLATTE, Mr. WALKER, Mr. JODY B. HICE of Georgia, Mr. CARTER of Georgia, Mr. COLE, Mr. WESTERMAN, Mr. PEARCE, Mr. ALLEN, Mr. WENSTRUP, Mr. GARRETT, Mr. MCKINLEY, Mr. AUSTIN SCOTT of Georgia, Mr. RICE of South Carolina, Mr. NEWHOUSE, and Mr. YOHO.

H. Con. Res. 98: Mr. TED LIEU of California and Ms. BROWNLEY of California.

H. Res. 112: Mr. RICHMOND and Mr. LOEBSACK.

H. Res. 265: Mr. HASTINGS, Ms. NORTON, Ms. EDWARDS, and Mr. GRIJALVA.

H. Res. 394: Mr. POE of Texas.

H. Res. 467: Mr. HONDA and Ms. EDWARDS.

H. Res. 469: Mr. AUSTIN SCOTT of Georgia and Mr. CONNOLLY.

H. Res. 518: Mr. MACARTHUR.

H. Res. 534: Mrs. COMSTOCK.

H. Res. 544: Mr. BARTON, Mr. ROKITA, Mr. CRAMER, Mr. COLE, Mr. STUTZMAN, Mr. WEBER of Texas, Mr. PITTENGER, Mr. BROOKS of Alabama, Mr. TOM PRICE of Georgia, and Mr. GOHMERT.

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PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, WEDNESDAY, DECEMBER 2, 2015 No. 174

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.

O Lord, our God, merciful and holy, clear away from our lives anything that would hinder Your providential purposes.

Enter the hearts of our Senators, guiding them with Your truth. May Your truth fill them with hope and faith even when they seem surrounded by exasperating experiences. Supply them with what they need to persist and endure in spite of obstacles. Lord, provide them with creative thoughts and energy to accomplish Your will on Earth, even as it is done in Heaven. Give them the integrity to say what they mean and mean what they say.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. JOHNSON). The majority leader is recognized.

OBAMACARE

Mr. MCCONNELL. Mr. President, ObamaCare is a direct attack on the middle class of our country. It is a partisan law that puts ideology before people, that hurts many of the very Americans it was supposed to help. It resulted in millions of cancellation notices for hard-working Americans who had plans they liked and who had done nothing wrong. It raised premiums, it raised copays, and it raised deductibles and taxes for Americans who were already struggling. It restricted choice and access to doctors and hospitals for patients in need.

We see the pain and the hurt of this law all across the country. We see it where we live. In my home State of Kentucky, health costs have spiked. ObamaCare first caused tens of thousands of Kentuckians to lose the health care plans they were promised they could keep during the first year of implementation, then victimized 50,000 more when the Commonwealth's much-vaunted ObamaCare co-op completely collapsed. ObamaCare has also contributed to Kentucky hospitals being forced to cut jobs, reduce wages, and even shut down altogether.

Some in Washington may have cheered when a Democratic administration in Frankfort poured one-quarter of a billion dollars of tax money into Kentucky's ObamaCare exchange or when our Democratic Governor confidently declared it an ''undisputed fact''—this is what he said: an ''undisputed fact''—that ObamaCare's Medicare expansion had added 12,000 jobs to Kentucky's economy. But like so much of ObamaCare, it was just another broken promise. Those jobs numbers were not an undisputed fact at all; they were just projections, and they failed to ever materialize. Health care jobs have actually declined in Kentucky. They did not go up; they declined.

Today, few of those ObamaCare cheerleaders are cheering anymore. Nearly 80 percent of Kentucky's enrollees were simply shoehorned into an already-broken Medicaid system, and many of the remaining 20 percent found themselves stuck with unaffordable ObamaCare coverage.

Listen to what this mom from Breckinridge County wrote to say:

My family is being pushed out of the middle class by the Obamacare law. How can we pay almost $1,200 a month on health insurance?

Listen to what this father of two boys from Owensboro wrote to tell me:

Before the Affordable Care Act, we paid around $100 bi-weekly for the family plan. That has now increased to $235 during the same timeframe. It seems these days there is no incentive to work. We are punished for working hard and trying to provide for our children while others are encouraged to not further themselves because if they do they would be in our particular situation. What happened to being rewarded for working hard in America? What happened to the American dream?

This Kentucky dad is not the only one wondering this; Americans across the country continue to demand a better way forward. Americans made that clear last November. Kentuckians made that doubly clear again last month.

This is simply the reality. Democrats cannot deny it. They cannot deny it. They can try to deny it. Democrats can again dismiss Americans' real-life experience as lies. Democrats can continue to lecture Americans about their supposed inability to understand just how great ObamaCare has been for them. But Americans are intimately familiar with the painful reality of ObamaCare.

Americans want a fresh start. Americans want to see Washington build a bridge away from ObamaCare and toward better care for them. That is what the bill before us would do. It is something every Senator should support, Republicans and Democrats alike. Democrats may have forced this law on the middle class. Democrats may own the pain they have caused across the country, especially in States like Kentucky. But it is not too late for our Democratic colleagues to work with us to build a bridge to better care. This is their chance and President Obama's chance to begin to make amends for the pain and the hurt they have caused.

For all of the broken promises, for all of the higher costs, for all of the failures, this is America's chance to turn

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

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the page and write a new and more hopeful beginning. This is our chance to work toward a healthier and more prosperous future, with true reform that moves beyond the failures of a broken law.

ACCOMPLISHMENTS OF THE NEW CONGRESS

Mr. MCCONNELL. Mr. President, on another matter, in the past few days I have noted some of the achievements of a new Congress that is back to work on the side of the American people. We have passed bills no one ever thought Washington could touch. We have made reforms that have previously languished for years without result. Even more remarkably, we have often done so on a bipartisanship basis.

Consider just the bills I have mentioned already:

A landmark, bipartisan education bill that would take decisionmaking away from distant Federal bureaucrats in order to empower parents and teachers instead. The pundits said we would never pass it. We did, 81 to 17.

A breakthrough, bipartisan highway bill that would finally provide States and local governments the kind of certainty they need to focus on longer term road and bridge projects. After years of short-term extensions, this long-term highway bill passed the new Senate 65 to 34.

A milestone, bipartisan cyber security bill that would protect the personal information of people we represent by defeating cyber attacks through the sharing of information. The issue languished in previous Congresses, but this Senate passed it with 74 votes.

Today, I would like to mention another important bill this new Congress has passed. It is hard for many Americans to believe that human trafficking—modern-day slavery—can happen where they live, but it does right here in our country. It happens in all 50 of our States. In Kentucky alone, the Commonwealth has been able to identify more than 100 victims since they began keeping relevant records in 2013. This kind of abuse often begins around the age of 13 or 14.

The victims of modern slavery deserve a voice. They deserve justice. After years of inaction, the new Congress was determined to give them both. Of course, there was an unforeseen impediment, to put it mildly, to getting this bill done, but success was possible because the new majority kept its focus on facts, on substance, and on good policy for the people who have always remained our focus throughout the debate, the victims of modern slavery.

The bill we ultimately passed with strong bipartisan support, the Justice for Victims of Trafficking Act, represents a vital ray of hope for the countless victims of modern slavery who need our help. Victims groups and advocates told us that this human rights legislation would provide unprecedented support to domestic victims of trafficking. They urged the Congress to pass it. We did. The President signed it into law as well. It proves that with unwavering compassion and unbowed determination—something Senator CORNYN knows a thing or two about—justice can prevail. I am grateful to him and so many other Senators for working so hard to ensure that it ultimately did.

The Justice for Victims of Trafficking Act was another important step forward for our country. It is another example of what we can achieve in a new Congress that is back to work for the American people.

MEASURE PLACED ON THE CALENDAR—H.R. 427

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 427) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

WORK OF THE SENATE

Mr. REID. Mr. President, the Republican leader comes to the floor virtually every day and talks about this great new Senate.

He talked about the Elementary and Secondary Education Act. We tried to do that many times. It was blocked by Republicans. That is why it was not done before.

Highways. We tried valiantly to do something on highways, but all we could ever get, because of the obstruction of the Republicans, was short-term extensions.

Cyber security. My friend the Republican leader comes to the floor and talks about, we got cyber security done. We got it done. It is not a great bill. It is better than nothing. But we tried for years—5 years. Every time we tried, it was blocked by Republicans.

One of the newspapers here has a Pinocchio check. They look at the facts and analyze them, and they can give up to four Pinocchios, meaning people simply did not tell the truth.

So I want to remind everybody here that I am happy to participate in getting something done with the Elementary and Secondary Education Act, led by, on our side, the senior Senator from Washington. We were able to get that done because of her good work and others. It was not because we did not try before. We could not get it done before because of the obstruction of the Republicans.

This is the most unproductive Senate in the history of the country, and there are facts and figures to show that. So we are not going to be awarding Pinocchios here based on the statements of my friend the Republican leader, but everyone should understand there are different ways of presenting the facts. It is always best to present facts that are accurate. He said, for example, that bills—TSA, highways, and cyber—languished in the Senate. That is true, because of Republican filibusters. We tried to pass those bills in the last two Congresses. They were blocked by Republicans. We are now helping pass legislation, and that is our job. The job of Republicans was to oppose everything President Obama wanted, and that is, in fact, what was done.

OBAMACARE

Mr. REID. Mr. President, on ObamaCare, one newspaper reports:

Fewer Patients Have Been Dying From Hospital Errors Since ObamaCare Started.

Report says about 87,000 lives have been saved since 2010.

This is as a result of that legislation. I am not going to read the whole article.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Huffington Post, Dec. 1, 2015]

FEWER PATIENTS HAVE BEEN DYING FROM HOSPITAL ERRORS SINCE OBAMACARE STARTED

(By Jonathan Cohn)

Hospitals have cut down on deadly medical errors, saving around 87,000 lives since 2010, according to a new government report.

Pinning down the precise reasons for this change is difficult, to say nothing of predicting whether the decline will continue. Improvement has slowed in just the last year, the report suggests. But many analysts think government initiatives within the Affordable Care Act have played a significant role in the progress so far.

In short, Obamacare may literally be saving lives.

The new report comes from Agency for Healthcare Research and Quality, which is part of the Department of Health and Human Services and is something like an in-house think tank dedicated to making medical care safer and more effective. Since 2010, the agency has been tracking the incidence of common and frequently fatal medical errors, which include everything from a nurse accidentally giving a patient the wrong medication to a doctor inserting an intravenous line in a way that leads to a blood-borne infection.

On Tuesday, the agency announced its latest findings on these ''hospital-acquired conditions,'' based on preliminary data from 2014. For every 1,000 patients admitted to and

then discharged from a hospital, the agency found, roughy 121 of them developed such a condition. That rate is unchanged from last year, but it is down 17 percent from 2010, when it was about 145 out of every 1,000 patients.

Based on the existing research about what happens to patients who get sick in the hospital and what it costs to treat them afterwards, that decline works out to roughly 87,000 lives saved and $19.8 billion not spent on extra medical care, according to the report.

''The progress is historic,'' David Blumenthal, president of the Commonwealth Fund, told The Huffington Post.

''We have never demonstrated a comparable decline in the history of the U.S. health system,'' added Blumenthal, a physician and researcher who also served in the Obama administration.

Broadly speaking, the progress is the result of a crusade that dates back at least to 1990s, when the Institute of Medicine released ''To Err Is Human,'' a seminal report suggesting that nearly 100,000 people were dying each year because of preventable medical mistakes. Over time, researchers learned more about why these errors were so common and started developing methods for avoiding them. Probably the most famous of these was the introduction of checklists, like the ones that airplane pilots use before takeoff, for making surgery safer.

But getting hospitals to adopt these methods was difficult, despite the best efforts of some private-sector organizations, in part because existing financial incentives did not reward hospitals for improving quality. If anything, the opposite was true. Hospitals made money for every new treatment and a patient who got sick in the hospital needed more care, rather than less.

A major goal of the Affordable Care Act was to reduce and eventually eliminate these incentives for poor quality care, while rewarding the hospitals that getter better results. Today, for example, Medicare pays less to institutions with high rates of hospital-acquired infection, injury and readmission—in other words, large numbers of patients returning to the hospital for treatment shortly after discharge. That's because of a series of penalties the health care law created in 2010, which started affecting hospital revenue three years later. And under an initiative called Partnership for Patients, the federal government provides extra funding to hospitals that agree to monitor patient safety and implement schemes for improving quality.

Experts can't be sure about the impact of these reforms, in part because previous studies showed that errors were declining even before 2010, albeit at a slower rate. And the new initiatives raise plenty of serious criticisms—whether from hospital officials saying they are cumbersome to implement or from researchers who think the underlying data is unreliable.

But after the agency published last year's results, showing the steep decline in errors, a wide array of experts said the law's new incentives were influencing hospital behavior—and that, as a result, patients were getting better care. Lucian Leape, a professor at the Harvard School of Public Health and a pioneer in the patient safety movement, told Politifact, ''I think these data reliable, and the ACA (Affordable Care Act) deserves credit.''

The real cautionary note in Tuesday's report may be what it says about the future. If this year's preliminary data holds up, and the error rate for 2014 is truly no lower than it was for 2013, that would suggest progress had stalled—with infections and injuries lower than before, but not as low as they could be.

''On the positive side, there has been no backsliding, so hospitals are, in the lingo of quality improvement, 'holding the gains,''' Blumenthal said. ''But from the standpoint of public policy and given our obligation to eliminate preventable problems, we would should aim to see continued reductions in rates.''

HHS officials on Tuesday offered similar thoughts. At a conference in Baltimore focusing on health care quality, an announcement of the new data drew large applause. But Patrick Conway, chief medical officer at the federal government's Centers for Medicare and Medicaid Services, warned his audience not to be complacent. ''The goal is to get to zero'' errors, he said. ''We've made significant progress. Now the question is how you accelerate that.''

Mr. REID. Mr. President, among other things, this article says: ''Hospitals have cut down on deadly medical errors, saving around 87,000 lives since 2010, according to a new government report.''

I am not going to read the whole thing, but it is part of the RECORD.

The article also says:

Many analysts think government initiatives within the Affordable Care Act have played a significant role in the progress so far.

In short, ObamaCare may literally be saving lives.

The new report comes from Agency for Healthcare Research and Quality. . . . On Tuesday, the agency announced its latest findings on these ''hospital-acquired conditions''. . . . That rate is unchanged from last year, but it is down 17 percent from 2010, when it was about 145 out of every 1,000 patients.

That is not the case anymore.

Continuing:

That decline works out to roughly 87,000 lives saved and $19.8 billion not spent on extra medical care, according to the report. . . . A major goal of the Affordable Care Act was to reduce and eventually eliminate these incentives for poor quality care, while rewarding the hospitals that get better results. Today, for example, Medicare pays less to institutions with high rates of hospital-acquired infection, injury and readmission—in other words, large numbers of patients returning to the hospital for treatment shortly after discharge. . . . And under an initiative called Partnership for Patients, the federal government provides extra funding to hospitals that agree to monitor patient safety and implement schemes for improving quality.

So to my friend who continually berates ObamaCare, we have before us today and tomorrow an effort to show how wasteful the time is trying to wipe out ObamaCare. The House has voted 46 times. The Republicans, of course, have lost every time. In the Senate, I think it has been 16 times or 17 times trying to repeal ObamaCare. Each time, it failed, as it will fail in the next day or two.

RHETORIC OF THE REPUBLICAN PARTY

Mr. REID. Mr. President, when Americans elect leaders, they do so in good faith. Our constituents want us to govern responsibly and work to embody American values. Both elected officials and candidates must realize that our words have deep meaning and can influence people far and wide. That is why I am very disappointed that instead of talking about issues important to the middle class, the Republicans have turned to the politics of hatred and division.

It seems no one is safe from this Republican vitriol. Republicans demagogue women seeking health care through Planned Parenthood. Republican candidates use women, infants, and children seeking refuge from terrorism to fearmonger. Muslim Americans, immigrants, and even Americans exercising their constitutional rights in support of the Black Lives Matter movement are all subject to Republican insults and slander.

Over and over again, Republican candidates have resorted to hatred instead of appealing to the highest sensibilities of the American people. We all know that on race and other controversial issues, Republicans have long practiced subtle bigotry, but Republicans now simply say out loud the many things at which they used to merely hint.

Words have power, and when spoken by influential leaders, they infiltrate every corner of our society.

In the wake of last week's murderous attack at a Planned Parenthood health center in Colorado, a leading conservative activist said:

It really is surprising more Planned Parenthood facilities and abortionists are not being targeted.

Given the public light shed on the atrocities committed by Planned Parenthood and both the government and media's turning a blind eye to it . . . it really should be surprising that Americans convicted of the need to stop the murder of children have not taken the law into their own hands.

That is what the quote says.

We know how exaggerated, untruthful, and unfair the film was that was put together as some B-grade movie and that has so maligned Planned Parenthood. One out of every five American women will go to Planned Parenthood during her lifetime. It is the only health care that women have in many parts of America. Is that the kind of language you want to encourage in the United States of America, that there should be more violence in these health clinics? Certainly not, but it is all too common in the Republican Party of today.

Instead of recognizing the concerns of communities riddled by decades of police brutality and racial injustice, Republicans have vilified the Black Lives Matter movement, which has been drawing attention to these disturbing inequities. Rush Limbaugh has gone so far as labeling protesters a ''hate group'' for trying to bring equality to our criminal justice system.

Just a few weeks ago, supporters of the Republican Presidential hopeful Donald Trump attacked a Black Lives Matter protester on video at a rally. Instead of condemning the violence displayed by his supporters, Donald Trump encouraged it. When asked

about the incident, Trump said, referring to the protester, ''Maybe he should have been roughed up.'' That is stunning. A Republican candidate for President of the United States urged violence to silence his critics.

Last week, four masked men with apparent White supremacist ties opened fire on Black Lives Matter protestors in Minneapolis.

I am amazed that the junior Senator from Texas had the audacity to say earlier this week that ''the overwhelming majority of violent criminals are Democrats.'' And the article he quoted has been said to have been quoted improperly. That is really quite stunning, that someone with the academic background of the junior Senator from Texas cannot read a simple report. ''The overwhelming majority of violent criminals are Democrats.'' Think about that. Fanning the flames of intolerance is un-American. We are better than this.

I am disappointed that Republicans who should know better are not speaking out against this vile rhetoric. According to the New York Times, ''Some of the highest-ranking Republicans in Congress and some of the party's wealthiest and most generous donors have balked at trying to take down Mr. Trump because they fear a public feud with the insult-spewing media figure.'' That is a sad reflection on one of America's major political parties.

The Republican Party once claimed to stand for American leadership in the world, but as millions of Syrians have fled their country, seeking refuge from death and destruction, Republicans have instead used the humanitarian crisis as an opportunity to spread fear and animosity. Republican Presidential candidate Ben Carson described the Syrian refugees as ''rabid dogs.'' Mike Huckabee referred to the Syrian refugees as a bag of poisonous peanuts. Even more disturbing is the junior Senator from Texas, who went so far as to suggest a religious test for accepting refugees fleeing violence and oppression. He only wants to accept Christians.

The Republican Party used to claim to stand for religious freedom, but they are now just pretending. Ben Carson doesn't think Muslims should be allowed to become President. The junior Senator from Florida, also a Republican Presidential candidate, speaks of a ''clash of civilizations.'' Those are buzz words meaning a crusade against Islam. He is saying that ISIS extremists are representative of an entire religion.

It doesn't stop there. Republicans have targeted immigrants also—not just people who are seeking refuge, not just refugees, but also immigrants. The Republican Party wants to paint all immigrants as murderers and rapists. Congressman STEVE KING says all immigrants are drug traffickers. Republicans only talk about deporting families. Senator RUBIO, the Republican establishment favorite, walked away from his single positive legislative accomplishment—comprehensive immigration reform—to please the party's extreme anti-immigrant base. He has gone from supporting citizenship for undocumented immigrants to wanting to deport DREAMers. And even Jeb Bush speaks of ''anchor babies.''

With the way our democracy is structured, there will always be disagreement about the best way elected officials can serve our Nation, but as we debate and disagree, we must do so responsibly.

President Bill Clinton once said that those of us with influence must be mindful of our words because they fall ''on the serious and delirious alike.'' The venom Republicans continue to spew has consequences. History will judge those who stand idle as fear and animosity become the platform of an American political party.

The simple fact is that Republicans are running on a platform of hate, and every Republican who fails to speak out against the hateful, dangerous rhetoric being spewed by their party is complicit.

For the moral character of our Nation, we must demand that the Republicans return to the values on which our country was founded.

Mr. President, Senator MCCONNELL and I have finished our remarks. Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. 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 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.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the time spent in quorum calls requested during Senate consideration of H.R. 3762 be equally divided and come off of the reconciliation bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that for the duration of the Senate's consideration of H.R. 3762, the majority and Democratic managers of the reconciliation bill, while seated or standing at the managers' desks, be permitted to deliver floor remarks, retrieve, review, and edit documents, and send email and other data communications from text displayed on wireless personal digital assistant devices and tablet devices. I further ask unanimous consent that the use of calculators be permitted on the floor during consideration of the budget resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ENZI. For the information of Senators, this UC does not alter the existing traditions that prohibit the use of such devices in the Chamber by Senators in general, officers, and staff. It also does not allow the use of videos or pictures, the transmitting of sound, even through earpieces, for any purposes, the use of telephones or other devices for voice communications, any laptop computers, any detachable keyboards, the use of desktop computers or any other larger devices.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ENZI. Mr. President, earlier this year, Congress approved its first balanced 10-year budget since 2001. In addition to helping make our government more efficient, effective, and accountable, this balanced budget resolution contained reconciliation instructions to provide for the repeal of Obamacare and pave the way for real health care reforms to strengthen the doctor-patient relationship; expand choices; lower health care costs; and improve access to quality, affordable, innovative health care.

These instructions focused on the key congressional committees with jurisdiction over Obamacare—the Senate Finance Committee; Senate Health, Education, Labor and Pensions Committee; House Energy and Commerce Committee; House Education and the Workforce Committee; and the House Ways and Means Committee.

Our friends in the House passed their repeal bill in October and November, which repealed key parts of Obamacare, including the individual and employer mandates, the Cadillac tax, and the medical device tax, which is pending here today.

As most everyone knows, while the House and Senate are known collectively as Congress, they both have very different rules. This is why it is important to ensure that the House-passed repeal bill is in line with Senate rules and procedures.

The reconciliation process is governed by a combination of statutory rules, budget resolution provisions, precedents—and the interpretations of all these applicable standards ensure that any legislation which says it qualifies for reconciliation does actually do so.

The repeal bill passed by the House, H.R. 3762, contained material that qualified the bill in the House as meeting the conditions for reconciliation. The provisions were marked up and reported out of the three House reconciled committees, combined together

by the House Budget Committee, improved upon by the House Rules Committee, and acted on by the full House of Representatives.

The Obamacare repeal bill approved by the House contains provisions which fall in the jurisdiction of the Senate Finance and HELP Committees and satisfies the Senate reconciliation instruction by reducing the deficit well over $1 billion.

However, while the House bill does qualify as meeting the essential standards necessary for reconciliation in the Senate, it is not immune from the Senate-specific requirements under the Byrd rule, which is the reason for the McConnell amendment offered earlier.

The Byrd rule was crafted in an effort to ensure that matter inside a reconciliation bill has at its core a budgetary effect. The Byrd rule and the reconciliation instruction work together to evaluate the material inside H.R. 3762 for its consideration in the Senate.

Working with the committees reconciled in the Senate, Leader MCCONNELL and his leadership team, the House Budget Committee, the Senate Parliamentarian and her staff, the staff of the minority and the Congressional Budget Office and the Joint Committee on Taxation, H.R. 3762 has been exhaustively examined, debated, and had decisions rendered as to how to evaluate it from a reconciliation and Byrd rule perspective.

I think it is important for all Senators to understand what has been done to address those challenges to ensure that the House bill's provisions are not vulnerable to a variety of Byrd rule challenges.

In H.R. 3762, section 1 contains both a short title and a table of contents that have no score and therefore do not qualify as reconciliation material. The McConnell substitute amendment does not contain section 1.

Obamacare mandated that businesses with more than 50 employees automatically enroll their employees in Obamacare, the so-called auto-enrollment provision. H.R. 3762 eliminated that mandate. Subsequent to House passage, the administration struck a spending deal with Congress, which used the repeal of the auto-enrollment provision as an offset. Since that provision is now law, it does not score for purposes of reconciliation and was Byrdable. The House removed that language when it engrossed the bill and sent it to the Senate last month. It is no longer in the House bill and is not addressed in the McConnell amendment.

Obamacare created a fund, the so-called Prevention and Public Health Fund, which has been used for a variety of purposes since 2010. The House bill in section 101 repealed that fund and rescinded its unobligated balances. The McConnell amendment does the same.

In section 102 of H.R. 3762, a deficit reduction provision for Medicaid was included, creating a new class of prohibited entities for which Medicaid reimbursement is barred. While the House language qualifies for reconciliation consideration in the Senate, the McConnell amendment makes even clearer how the language is to apply to Medicaid, not any Federal spending. As well, it clarifies the tests applied to entities to determine whether or not they fall into the prohibited class.

Section 103 of the House bill created new resources for community health center programs, and the McConnell amendment contains the same language.

Obamacare imposed mandates to purchase health care insurance on both individuals and employers. Sections 201 and 202 of the House bill repealed those mandates.

Unfortunately, this language does not qualify under the Byrd rule in the Senate. In the judgement of the Parliamentarian, the policy impact of these repeals outweighs their fiscal impact. As well, there is technical and conforming language in both sections 201 and 202 of the House bill that do not score and therefore are inappropriate for reconciliation in the Senate.

As a result, the McConnell amendment addresses the mandates but in a different way. Rather than containing language that repeals them, the McConnell amendment repeals the penalties, which Obamacare instituted to punish those who wanted the freedom to choose in the health care insurance market.

Obamacare imposed a tax on medical devices, which section 203 of H.R. 3762 repealed. The McConnell amendment does the same without the conforming and clerical amendments in this section that the House bill contains. Clerical and conforming amendments do not score and so do not qualify for consideration under the Byrd rule.

Obamacare imposed a tax on high-quality health insurance, the so-called Cadillac tax. H.R. 3762 repealed that tax, but the repeal contained technical and conforming language that violates the Byrd rule. As well, according to CBO, the House language created a possible deficit sometime well after the reconciliation window, which is another violation of the Byrd rule.

To address these problems, the McConnell amendment removes the technical and conforming language that violates the Byrd rule and sunsets the Cadillac tax repeal at the end of 2024.

The McConnell amendment also contains an additional policy.

Working in concert with the Senate Finance Committee, the McConnell amendment contains reconciliation-compliant language to recapture excess exchange subsidies that have been paid but which were not supposed to go out the door. Over 10 years, this will have a significant deficit reduction impact.

The pending McConnell amendment, then, addresses the Byrd rule challenges contained within the House bill. It has a deficit reduction impact equal to the House-passed bill. It is reconciliation compliant. It will be the pending language to which amendments should be drafted and offered during consideration of the repeal bill.

The Budget Act calls for a submission for the RECORD of Byrdable material contained in the reconciliation bill, and I will ask that the list of Byrdable material in H.R. 3762 be printed in the RECORD.

Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I submit for the RECORD a list of material considered to be extraneous to H.R. 3762, the Restoring Americans' Healthcare Freedom Reconciliation Act of 2015. The inclusion or exclusion of a provision on this list does not constitute a determination of extraneousness by the Presiding Officer of the Senate. I ask unanimous consent the list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Section	Subject	Violation	Rationale
1	Short Title, Table of Contents	313(b)(1)(A)	No budgetary effect
	Title I—Committee on Energy and Commerce		
102(a) lines 15–16	Federal Payments to States	313(b)(1)(A)	No budgetary effect [1]
	Title III—Committee on Ways and Means		
201	Repeal of individual mandate	313(b)(1)(D)	Budgetary effects are merely incidental
202	Repeal of Employer Mandate	313(b)(1)(D)	Budgetary effects are merely incidental
204(b)	Tax on Employee Health Insurance Premiums—Reporting Requirement	313(b)(1)(A)	No budgetary effect
204(c)	Tax on Employee Health Insurance Premiums—Clerical Amendment	313(b)(1)(A)	No budgetary effect

[1] This matter contains citations in error. Permissible if corrected.

Mr. ENZI. I also ask unanimous consent that two scores from CBO be printed in the RECORD: a score of H.R. 3762 as received in the Senate and a score of the McConnell amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATE OF DIRECT SPENDING AND REVENUE EFFECTS OF H.R. 3762, THE RESTORING AMERICANS' HEALTHCARE FREEDOM RECONCILIATION ACT, AS PASSED BY THE HOUSE AND FOLLOWING ENACTMENT OF THE BIPARTISAN BUDGET ACT OF 2015 [a]

	By fiscal year, in billions of dollars—											
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2016–2020	2016–2025
ESTIMATED CHANGES WITHOUT MACROECONOMIC FEEDBACK												
Changes in Direct Spending												
Title I—Committee on Education and the Workforce												
Auto-Enrollment for Certain Large Employers: [b]:												
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	0	0	0	0	0	0	0	0	0	0	0	0
Title II—Committee on Energy and Commerce												
Prevention and Public Health Fund:												
Estimated Budget Authority	−1.0	−1.0	−1.3	−1.3	−1.5	−1.5	−2.0	−2.0	−2.0	−2.0	−6.0	−15.5
Estimated Outlays	−0.2	−0.5	−0.9	−1.1	−1.3	−1.4	−1.6	−1.8	−1.9	−2.0	−4.1	−12.7
Medicaid:												
Estimated Budget Authority	−0.2	*	*	*	*	*	*	*	*	0	−0.2	−0.2
Estimated Outlays	−0.2	*	*	*	*	*	*	*	*	0	−0.2	−0.2
Community Health Center Program:												
Estimated Budget Authority	0.2	0.2	0	0	0	0	0	0	0	0	0.5	0.5
Estimated Outlays	0.1	0.2	0.1	*	0	0	0	0	0	0	0.5	0.5
Title III—Committee on Ways and Means												
Repeal Individual and Employer Mandates [c]:												
Estimated Budget Authority	−8.7	−17.2	−21.1	−24.5	−26.7	−28.6	−30.6	−32.2	−33.9	−35.4	−98.3	−258.9
Estimated Outlays	−8.7	−17.2	−21.1	−24.5	−26.7	−28.6	−30.6	−32.2	−33.9	−35.4	−98.3	−258.9
Repeal Excise Tax on Certain High-Premium Insurance Plans:												
Estimated Budget Authority	0	0	−0.7	−0.9	−1.4	−1.6	−2.4	−3.1	−3.9	−4.1	−3.0	−18.2
Estimated Outlays	0	0	−0.7	−0.9	−1.4	−1.6	−2.4	−3.1	−3.9	−4.1	−3.0	−18.2
Total Changes in Direct Spending:												
Estimated Budget Authority	−9.7	−18.0	−23.1	−26.7	−29.6	−31.7	−35.0	−37.3	−39.8	−41.5	−107.1	−292.4
Estimated Outlays	−9.1	−17.5	−22.6	−26.5	−29.3	−31.6	−34.6	−37.1	−39.7	−41.5	−105.1	−289.6
Changes in Revenues												
Title I—Committee on Education and the Workforce												
Auto-Enrollment for Certain Large Employers [b]	0	0	0	0	0	0	0	0	0	0	0	0
Title III—Committee on Ways and Means												
Repeal Individual and Employer Mandates [c]	−10.1	−7.7	−7.0	−8.1	−8.2	−8.4	−9.4	−10.1	−10.4	−10.7	−41.2	−90.4
Repeal Medical Device Tax	−1.4	−2.0	−2.1	−2.2	−2.3	−2.5	−2.6	−2.8	−2.9	−3.1	−10.0	−23.9
Repeal Excise Tax on Certain High-Premium Insurance Plans	0	0	−2.9	−8.1	−9.7	−11.5	−14.0	−17.1	−20.8	−25.0	−20.8	−109.3
Interaction within Title III	0	0	*	2.1	2.0	1.7	1.7	1.6	1.6	1.4	4.1	12.1
Total Changes in Revenues:	−11.5	−9.7	−12.0	−16.3	−18.2	−20.7	−24.3	−28.4	−32.5	−37.4	−67.9	−211.5
On-Budget	−13.0	−13.8	−16.2	−20.5	−22.4	−24.6	−27.7	−31.3	−34.9	−38.9	−86.2	−243.7
Off-Budget [d]	1.5	4.1	4.2	4.2	4.2	3.9	3.5	2.9	2.4	1.5	18.3	32.2
NET INCREASE OR DECREASE (−) IN THE DEFICIT WITHOUT MACROECONOMIC FEEDBACK												
Impact on Deficit	2.4	−7.9	−10.6	−10.2	−11.1	−10.8	−10.3	−8.6	−7.2	−4.0	−37.2	−78.1
On-Budget	3.9	−3.7	−6.4	−6.0	−6.9	−7.0	−6.8	−5.8	−4.8	−2.6	−19.0	−45.9
Off-Budget [d]	−1.5	−4.1	−4.2	−4.2	−4.2	−3.9	−3.5	−2.9	−2.4	−1.5	−18.3	−32.2
ESTIMATED BUDGETARY IMPACT OF MACROECONOMIC FEEDBACK [e]												
Effects on Outlays	*	−0.2	−0.3	−0.2	*	0.4	0.6	0.8	1.0	1.1	−0.7	3.1
Effects on Revenues	0.5	1.1	2.5	4.3	5.4	6.4	7.2	8.1	8.9	9.6	13.8	54.0
Effects on the Deficit	−0.6	−1.3	−2.8	−4.5	−5.3	−6.0	−6.6	−7.3	−8.0	−8.6	−14.5	−50.9
On-Budget	−0.3	−0.8	−1.9	−3.1	−3.7	−4.2	−4.6	−5.1	−5.6	−6.0	−9.9	−35.4
Off-Budget [d]	−0.2	−0.4	−0.9	−1.4	−1.6	−1.8	−2.0	−2.2	−2.4	−2.6	−4.6	−15.5
TOTAL ESTIMATED CHANGES, INCLUDING MACROECONOMIC FEEDBACK [f]												
Effects on Outlays	−9.1	−17.7	−22.9	−26.8	−29.3	−31.2	−34.0	−36.3	−38.7	−40.4	−105.8	−286.5
Effects on Revenues	−11.0	−8.6	−9.5	−12.1	−12.9	−14.4	−17.1	−20.3	−23.6	−27.8	−54.1	−157.5
Effects on the Deficit [d]	1.9	−9.1	−13.4	−14.7	−16.4	−16.8	−16.9	−16.0	−15.1	−12.6	−51.7	−129.0
On-Budget	3.6	−4.6	−8.3	−9.2	−10.6	−11.1	−11.5	−10.9	−10.4	−8.6	−28.9	−81.3
Off-Budget [d]	−1.7	−4.6	−5.1	−5.5	−5.8	−5.7	−5.4	−5.0	−4.8	−4.1	−22.8	−47.7

Sources: Congressional Budget Office; staff of the Joint Committee on Taxation.

Notes: Numbers may not add up to totals because of rounding;* = an increase or decrease between zero and $50 million.

On October 23, 2015, the House passed H.R. 3762 (see https://www.congress.gov/114/bills/hr3762/BILLS-114hr3762eh.pdf). That bill removed subtitle B of H.R. 3762 as reported by the House Committee on the Budget on October 16, 2015, which would have repealed the Independent Payment Advisory Board. Additionally, the Bipartisan Budget Act of 2015 (Public Law 114–74) was enacted on November 2, 2015, and included a provision identical to title I of this legislation. This estimate differs from CBO and JCT's prior estimate of H.R. 3762 as reported by the House Committee on the Budget (see https://www.cbo.gov/publication/50918) as a result of these two legislative actions.

[a] For outlays, a positive number indicates an increase (adding to the deficit) and a negative number indicates a decrease (reducing the deficit); for revenues, a positive number indicates an increase (reducing the deficit) and a negative number indicates a decrease (adding to the deficit); for the deficit, a positive number indicates an increase and a negative number indicates a reduction.

[b] The Bipartisan Budget Act of 2015 (P.L. 114–74) was enacted on November 2, 2015. Title VI of that law includes a provision identical to title I of this legislation. Therefore, CBO estimates that title I would have no effect relative to current law.

[c] CBO previously estimated additional effects of combining the repeal of the auto-enrollment requirement for large employers with the repeal of the individual and employer mandates. Because the former is now current law (see P.L. 114–74), that interaction effect is included in our estimate of the repeal of the individual and employer mandates.

[d] Excluding macroeconomic feedback, all off-budget effects would come from changes in revenues. (The payroll taxes for Social Security are classified as off-budget.) Off-budget effects from macroeconomic feedback include changes in Social Security spending and revenues.

[e] An explanation of these estimates of macroeconomic feedback can be found in the cost estimate for H.R. 3762 as reported by the House Committee on the Budget on October 16, 2015. The effects of the changes proposed in the legislation analyzed here are quite similar to the effects estimated previously. As a result, CBO and JCT's estimated economic effects and macroeconomic feedback to the budget are not appreciably changed from that previous analysis.

[f] Including macroeconomic effects, CBO and JCT estimate that enacting the legislation would not increase net direct spending by more than $5 billion in any of the first three consecutive 10-year periods beginning in 2026; however, the agencies are not able to determine whether enacting the legislation would increase net direct spending by more than $5 billion in the fourth 10-year period. The agencies estimate that enacting the legislation would increase on- budget deficits by more than $5 billion in one or more of the four consecutive 10-year periods beginning in 2026. Excluding macroeconomic feedback, the agencies estimate that enacting the legislation would not increase net direct spending by more than $5 billion in any of the four consecutive 10-year periods beginning in 2026, and would increase on-budget deficits by more than $5 billion in one or more of the four consecutive 10-year periods beginning in 2026.

PRELIMINARY ESTIMATE OF DIRECT SPENDING AND REVENUE EFFECTS OF H.R. 3762, THE RESTORING AMERICANS' HEALTHCARE FREEDOM RECONCILIATION ACT, WITH AN AMENDMENT IN THE NATURE OF A SUBSTITUTE (S.A. 2874.) [a]

	By fiscal year, in billions of dollars—											
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2016–2020	2016–2025
ESTIMATED CHANGES WITHOUT MACROECONOMIC FEEDBACK												
Changes in Direct Spending												
Title I—Finance												
Medicaid:												
Estimated Budget Authority	−0.2	*	*	*	*	*	*	*	*	0	−0.2	−0.2
Estimated Outlays	−0.2	*	*	*	*	*	*	*	*	0	−0.2	−0.2
Eliminate Individual and Employer Mandate Penalties:												
Estimated Budget Authority	−7.5	−14.3	−17.7	−21.0	−23.2	−25.2	−27.3	−29.0	−30.9	−32.6	−83.9	−228.8
Estimated Outlays	−7.5	−14.3	−17.7	−21.0	−23.2	−25.2	−27.3	−29.0	−30.9	−32.6	−83.9	−228.8
Repeal Excise Tax on Certain High-Premium Insurance Plans:												
Estimated Budget Authority	0	0	−0.7	−0.9	−1.4	−1.6	−2.4	−3.1	−3.9	−1.2	−3.0	−15.3
Estimated Outlays	0	0	−0.7	−0.9	−1.4	−1.6	−2.4	−3.1	−3.9	−1.2	−3.0	−15.3
Elimination of Limitation on Subsidy Recapture:												
Estimated Budget Authority	−1.8	−3.3	−3.8	−3.9	−3.9	−4.0	−4.2	−4.4	−4.6	−4.8	−16.6	−38.5
Estimated Outlays	−1.8	−3.3	−3.8	−3.9	−3.9	−4.0	−4.2	−4.4	−4.6	−4.8	−16.6	−38.5
Title II—Health, Education, Labor and Pensions												
Prevention and Public Health Fund:												
Estimated Budget Authority	−1.0	−1.0	−1.3	−1.3	−1.5	−1.5	−2.0	−2.0	−2.0	−2.0	−6.0	−15.5
Estimated Outlays	−0.2	−0.5	−0.9	−1.1	−1.3	−1.4	−1.6	−1.8	−1.9	−2.0	−4.1	−12.7
Comnumity Health Center Program:												
Estimated Budget Authority	0.2	0.2	0	0	0	0	0	0	0	0	0.5	0.5

PRELIMINARY ESTIMATE OF DIRECT SPENDING AND REVENUE EFFECTS OF H.R. 3762, THE RESTORING AMERICANS' HEALTHCARE FREEDOM RECONCILIATION ACT, WITH AN AMENDMENT IN THE NATURE OF A SUBSTITUTE (S.A. 2874.) [a]—Continued

	By fiscal year, in billions of dollars—											
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2016–2020	2016–2025
Estimated Outlays	0.1	0.2	0.1	*	0	0	0	0	0	0	0.5	0.5
Total Changes in Direct Spending:												
Estimated Budget Authority	−10.3	−18.4	−23.5	−27.1	−30.0	−32.3	−35.9	−38.5	−41.4	−40.6	−109.3	−297.9
Estimated Outlays	−9.7	−17.9	−23.0	−26.9	−29.7	−32.2	−35.5	−38.3	−41.3	−40.6	−107.3	−295.1
Changes in Revenues												
Title I—Finance:												
Eliminate Individual and Employer Mandate Penalties	−10.3	−8.9	−8.0	−9.0	−9.1	−9.3	−10.3	−10.9	−11.2	−11.5	−45.4	−98.6
Repeal Medical Device Tax	−1.4	−2.0	−2.1	−2.2	−2.3	−2.5	−2.6	−2.8	2.9	−3.1	−10.0	−23.9
Repeal Excise Tax on Certain High-Premium Insurance Plans	0	0	−2.9	−8.1	−9.7	−11.5	−14.0	−17.1	−20.8	−8.9	−20.8	−93.2
Elimination of Limitation on Subsidy Recapture	0.3	1.2	1.5	1.6	1.5	1.5	1.5	1.6	1.6	1.7	5.9	14.0
Interaction within Title I	0	0	*	2.1	2.0	1.7	1.7	1.6	1.6	1.4	4.1	12.1
Total Changes in Revenues:	−11.4	−9.7	−11.5	−15.6	−17.6	−20.1	−23.7	−27.6	−31.7	−20.4	−66.2	−189.6
On-Budget	−12.8	−13.5	−15.5	−19.6	−21.5	−23.7	−26.8	−30.3	−33.9	−25.4	−83.3	−223.2
Off-Budget [b]	1.4	3.8	4.0	4.0	3.9	3.6	3.2	2.7	2.2	5.0	17.1	33.6
Net Increase or Decrease (−) in the Deficit Without Macroeconomic Feedback [c]												
Impact on Deficit:	1.7	−8.3	−11.5	−11.3	−12.1	−12.0	−11.8	−10.6	−9.6	−20.1	−41.1	−105.5
On-Budget	3.1	−4.4	−7.5	−7.3	−8.2	−8.5	−8.6	−8.0	−7.4	−15.2	−24.1	−71.9
Off-Budget [b]	−1.4	−3.8	−4.0	−4.0	−3.9	−3.6	−3.2	−2.7	−2.2	−5.0	−17.1	−33.6

Sources: Congressional Budget Office; staff of the Joint Committee on Taxation.

Notes: Numbers may not add up to totals because of rounding; * = an increase or decrease between zero and $50 million.

This amendment triggers the requirement for a macroeconomic analysis. However, because of the very short time available to prepare this estimate, CBO and JCT have determined that it is not practicable to provide that analysis at this time.

[a] For outlays, a positive number indicates an increase (adding to the deficit) and a negative number indicates a decrease (reducing the deficit); for revenues, A positive number indicates an increase (reducing the deficit) and a negative number indicates a decrease (adding to the deficit); for the deficit, a positive number indicates an increase and a negative number indicates a reduction.

[b] Excluding macroeconomic feedback, all Off-Budget effects would come from changes in revenues. (The payroll taxes for Social Security are classified as off-budget.)

[c] Excluding macroeconomic feedback, the agencies estimate that enacting title I or title II would not increase net direct spending or on-budget deficits in any year after 2025 or in any of the four consecutive 10-year periods beginning in 2026.

Mr. ENZI. I think Members are looking forward to an open and spirited debate about the future of America's health care system and the importance of restoring the trust of hard-working taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2876 TO AMENDMENT NO. 2874

(Purpose: 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)

Mrs. MURRAY. Mr. President, I call up my amendment No. 2876.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2876 to amendment No. 2874.

Mrs. MURRAY. 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 (Mr. COTTON).

The Senator from Washington.

Mrs. MURRAY. Mr. President, I think we can all agree there is a lot of work that needs to be done in this Congress—priorities such as continuing to improve health care for our families, creating jobs, boosting wages, expanding economic security for workers, and making higher education more affordable and accessible, just to name a few. Unfortunately, instead of working with Democrats to focus on those challenges—the ones that families face every day—far too many Republicans have doubled down on a favorite pastime—attacking women's health and rights in order to pander to their extreme base.

I am very proud to be on the floor today with many of my Democratic colleagues to say enough is enough and to make clear that even as Republicans try to take women's health backwards, we are going to push harder in the other direction for continued progress on women's access to health care and constitutionally protected reproductive rights.

This year alone, according to NARAL Pro-Choice America, more than 40 bills have been introduced in this Congress that would undermine a woman's constitutionally protected right to make her own choices about her own body. The House and Senate have voted a total of 17 times—17 times—on legislation to undermine women's health care and rights. That is right. In the year 2015—in the year 2015 alone—Republicans in Congress have introduced over 40 bills and held 17 votes on whether Congress should roll back women's rights. That is completely unacceptable. The bill we are debating here on the floor today would defund Planned Parenthood, and that is just more of the same. It is another effort to force through extreme policies under a fast-track process.

A vote on the bill before us today is a vote on whether a young woman should be able to go to the provider she trusts to get birth control, whether cancer screenings should be more or less available to women across the country, and whether the 2.7 million men and women who visit Planned Parenthood each year should continue to get health care services they rely on.

Over the last few months of Republican political attacks on Planned Parenthood and women's health, I have been proud to stand with women nationwide who are making their voices heard and fighting for their right to make their own health care decisions—women such as Shannon, who lives in Tumwater, WA, and says the care she received at Planned Parenthood as a young woman protected her ability to have children and that today she has Planned Parenthood to thank for her little girl; women such as Breanne from Seattle, who went to Planned Parenthood as an uninsured student, where providers caught abnormal cell growth on her cervix wall before—before—it could turn into cancer; and the women and advocates at the Planned Parenthood Center in Pullman, WA, who, after their building was damaged in an arson attack, came together as a community and established a pop-up clinic to make sure that women and families could continue to get the care they needed.

I know many of us here today are thinking of those who are suffering and who lost loved ones as a result of the tragic violence in Colorado Springs last week. People across the country—men and women—have had enough of extremism and violence, including at Planned Parenthood health care centers. When a woman seeks health care—constitutionally protected health care—she should not have to feel threatened in any way. A doctor in a women's health clinic should not have to worry about wearing a bulletproof vest under her lab coat. Women's health care should not be controversial, much less a cause for violence in the 21st century. Women and their families have had enough.

I have heard from so many women and men who are tired of women's health being undermined, being threatened, and being used as a political football here in Washington, DC. Who can believe that in the 21st century a Presidential candidate would claim that expanding access to birth control is as easy as setting up a few more vending machines in men's bathrooms? These women and men across the country are speaking up and saying ''not on our watch'' to those who want to turn back the clock on women's health and women's rights. I am going to continue, along with my colleagues, to bring their voices and their stories and their fight to the Senate floor.

As we all know, this is a tired political effort to dismantle the Affordable Care Act and take Planned Parenthood down with it. It is at a dead end. But if Republicans are going to try to cut off women's access to health care, I am going to make sure they hear about it and that people across this country know exactly where Democrats stand—with women. That is why I am very proud to be introducing this amendment today that would strike the harmful language defunding Planned Parenthood from this legislation and replace it—replace it—with a new fund to support women's health care and clinic safety.

There is so much more we need to do to improve women's health care in this country today, from strengthening the women's health care workforce to expanding access to constitutionally protected reproductive health care to raising awareness about violence against women—so much more. This fund that is part of this amendment would offer an opportunity to make progress on goals such as these and more to support women's health providers and clinics at a time when they need it most. Critically, it would show women and families that their constitutional rights, that their safety and their health care should come before tea party political pandering, not the other way around. By the way, this amendment is fully paid for by the Buffett rule.

Democrats are going to keep standing up for women and encouraging Republicans to focus on the real challenges that families face, rather than their political attacks that their tea party base is so focused on. I urge my colleagues to join me in standing against this harmful effort to defund Planned Parenthood and delivering a clear message, again, to Republicans in Congress who want to play politics with women's health—not on our watch.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2875 TO AMENDMENT NO. 2874

Mr. JOHNSON. Mr. President, I ask unanimous consent to set aside the pending amendment in order to call up my amendment No. 2875.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. JOHNSON] proposes an amendment numbered 2875 to amendment No. 2874.

Mr. JOHNSON. 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 Patient Protection and Affordable Care Act to ensure that individuals can keep their health insurance coverage)

At the appropriate place, insert the following:

SEC. ___. AMENDMENT TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) IN GENERAL.—Part 2 of subtitle C of title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18011 et seq.) is amended by striking section 1251 and inserting the following:

"SEC. 1251. FREEDOM TO MAINTAIN EXISTING COVERAGE.

''(a) NO CHANGES TO EXISTING COVERAGE.—

''(1) IN GENERAL.—Nothing in this Act (or an amendment made by this Act) shall be construed to require that an individual terminate coverage under a group health plan or health insurance coverage in which such individual was enrolled during any part of the period beginning on the date of enactment of this Act and ending on December 31, 2013.

''(2) CONTINUATION OF COVERAGE.—With respect to a group health plan or health insurance coverage in which an individual was enrolled during any part of the period beginning on the date of enactment of this Act and ending on December 31, 2013, this subtitle and subtitle A (and the amendments made by such subtitles) shall not apply to such plan or coverage, regardless of whether the individual renews such coverage.

''(b) ALLOWANCE FOR FAMILY MEMBERS TO JOIN CURRENT COVERAGE.—With respect to a group health plan or health insurance coverage in which an individual was enrolled during any part of the period beginning on the date of enactment of this Act and ending on December 31, 2013, and which is renewed, family members of such individual shall be permitted to enroll in such plan or coverage if such enrollment is permitted under the terms of the plan in effect as of such date of enrollment.

''(c) ALLOWANCE FOR NEW EMPLOYEES TO JOIN CURRENT PLAN.—A group health plan that provides coverage during any part of the period beginning on the date of enactment of this Act and ending on December 31, 2013, may provide for the enrolling of new employees (and their families) in such plan, and this subtitle and subtitle A (and the amendments made by such subtitles) shall not apply with respect to such plan and such new employees (and their families).

''(d) EFFECT ON COLLECTIVE BARGAINING AGREEMENTS.—In the case of health insurance coverage maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers that was ratified before December 31, 2013, the provisions of this subtitle and subtitle A (and the amendments made by such subtitles) shall not apply until the date on which the last of the collective bargaining agreements relating to the coverage terminates. Any coverage amendment made pursuant to a collective bargaining agreement relating to the coverage which amends the coverage solely to conform to any requirement added by this subtitle or subtitle A (or amendments) shall not be treated as a termination of such collective bargaining agreement.

''(e) DEFINITION.—In this title, the term 'grandfathered health plan' means any group health plan or health insurance coverage to which this section applies.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Patient Protection and Affordable Care Act (Public Law 111–148).

Mr. JOHNSON. Mr. President, at a townhall meeting in Green Bay, WI, on June 11, 2009, President Obama was trying to sell his health care law, and this is the claim he made. This is the quote, and this is the promise he made to the American public. He said:

No matter how we reform health care, I intend to keep this promise: If you like your doctor, you'll be able to keep your doctor; if you like your health care plan, you'll be able to keep your health care plan.

Less than a week later, in remarks to the American Medical Association, the Nation's largest association of medical doctors, the President 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 the relationship with their doctor. They trust you. And that means that 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'll be able to keep your health care plan, period. No one will take that away, no matter what.

Now, a number of years have passed since President Obama made that promise. It wasn't just those two times that President Obama made that promise either. I think it has been documented that he made that promise to the American people over 30 times. Other supporters of the bill repeated that promise. It was a promise. It was a promise to the American public. It was a promise he knew would not be kept. It was a promise about which the supporters of the bill knew there was no way under ObamaCare that people would be able to keep their health care plan, that they would become able to keep and maintain the relationship with the doctor they trusted, knew, and had faith in.

President Obama called it a promise. PolitiFact had another name for it. PolitiFact, in 2013, termed that promise its ''Lie of the Year.'' Think of that. The President of the United States was trying to sell a massive restructuring of a health care system—and that is what he was trying to do. He was trying to sell it. He was marketing a bill, a law, a concept, and in order to market that concept, President Obama and other supporters of the bill repeatedly made a promise that PolitiFact termed the ''Lie of the Year'' of 2013.

I come from the private sector. It is incumbent on people in the private sector, when they are selling products to consumers, to tell the truth about the product. If you don't, you will be accused of consumer fraud. You can be sued. You can probably be sued out of existence. Imagine how the trial bar would treat a businessperson who tried to sell a product by making a promise that turned out to be 2013's ''Lie of the Year.'' I don't believe that business would be in business today.

ObamaCare, at its heart, is a massive consumer fraud—a massive consumer fraud. So the purpose of my amendment has the purpose of a piece of legislation I introduced in 2013—the same thing. It is designed to honor the promise that President Obama made and that he did not keep—the promise that was made under ObamaCare that was not kept.

The bill I introduced in 2013 was simply titled ''If You Like Your Health

Care Plan, You Can Keep it Act.'' What is rather unique about my piece of legislation is that it used the exact same wording of ObamaCare. ObamaCare actually did have a section in it called a grandfather clause that purported to allow people to keep their health care and allowed them to maintain their relationship with their doctor if they liked their health care plan and their doctor. The problem is it was a grandfather clause that allowed you to keep your plan as long as you completely changed it. So what my bill in 2013 did was it just said: Listen, you can actually keep your health care plan and you don't have to change it.

That is what my amendment does today. It restores that promise—the promise of President Obama and the supporters of ObamaCare. Let me use the real name: The Patient Protection and Affordable Care Act. Of the Orwellian-named laws that have been passed through this Chamber, this is probably the most Orwellian because the Patient Protection and Affordable Care Act did neither, because that promise was not kept. It was a lie. Patients weren't protected. They lost their health care plan. We have all received letters from constituents, often heartbreaking letters. There was a couple in Wisconsin, they both had cancer. He is recovering from prostate cancer. She had stage IV lung cancer. They had health care in the State high-risk pool. They could afford it. It worked for them. They lost it because of ObamaCare. They called our office panicked—panicked—because they couldn't log on to healthcare.gov. They tried almost 40 times. They lost their health care plan. That promise was broken. I don't hear supporters of the law pointing to those individuals.

So my amendment would restore the promise that if you had health care that you liked in 2013, insurance companies can offer those same plans again. They were far more affordable—far more affordable. As I just stated with that one little example, patient protection in the Affordable Care Act didn't protect patients, and it certainly hasn't been more affordable. We have also received hundreds of letters from people whose premiums have doubled, their out-of-pocket maximum has doubled and tripled. They can't even afford to use the health care they were able to secure because it has become so expensive. The reality of ObamaCare is it has been a miserable failure, and the promises made under it literally were abject lies. That is the reality. That is the very sad fact.

I encourage all my colleagues to unanimously support the promise President Obama and the law's supporters made and vote for my amendment, which would allow Americans, if they like their health care plan, if they like their doctor, they actually will be able to keep it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thoroughly support the right of my colleague to his opinion, but we have never had more people insured in modern history because of ObamaCare. It doesn't mean it is perfect, but let me tell you—I don't know what my colleague's constituents tell him, but I will tell you what mine do. They say thank you. Thank you for the fact that I can get insurance. Thank you for the fact that I can get it even if I have a heart condition. Thank you for the fact that my child can stay on my policy until he is 26 years old. Thank you. Thank you. Thank you. Thank you for the lifesaving preventive care I get. Thank you. Thank you for the cheaper prescription drugs.

So people live in a different universe, I guess, but I prefer to stick with the facts, and the facts are millions and millions and millions of Americans now have the peace of mind of being insured. They don't become a burden on their families, they don't become a burden on the emergency room, and they don't become a burden on their communities. I thank President Obama for his courage. We can fix what is wrong with ObamaCare, but time and time again—more than 50 times—they tried to repeal it, the GOP, and they are going to try again, and they are going to fail again. Secretly, I think they hope they fail because they have nothing—nothing—to replace it with. It is kind of a joke. Nothing. Oh, let's just open up the free market. Well, folks, we tried that forever. ObamaCare isn't government care. It is insurance exchanges, and it is Medicaid expansion in those States that wish to have it. I have to tell you, in those States who have it, the people are very happy.

AMENDMENT NO. 2876

I rise not only to respond to that attack on health care that we have heard again for the 90th time from the other side, I really rise to thank Senator MURRAY. I thank her again for her unbelievable leadership in protecting women's health. Beyond that, she is a leader in protecting children's health, men's health, families' health, and our seniors' health. Today what she is doing is very important. She is saying to the Republicans: We don't like the fact that you are defunding a health care organization that serves 3 million Americans every year with lifesaving health care, preventive health care, STD testing, breast cancer exams, and these 3 million Americans want us to stand and fight for them. That is what Senator MURRAY is doing today, and I am proud to be by her side.

What she is simply saying is, no, we are not going to defund Planned Parenthood. She is going to strike that out of this bill they have put forward, but also we are going to pay for an expansion of women's health care because we know all you have is your health. Just ask people who may have everything else in the world, but somebody gets cancer, somebody gets a heart attack, somebody gets a stroke, someone in the family is diagnosed with Alzheimer's, Parkinson's, their whole world is turned upside down.

So what do my friends on the other side do? They strike funding from an organization that has more respect in this country than their party or my political party or this Congress has. Well, it would be easy to beat the reputation of this Congress, but the vast majority of the American people understand the role of Planned Parenthood.

So I strongly support this amendment, and I want to reiterate something Senator MURRAY said. Republicans have introduced more than 40 bills to take away women's health care in this Congress—40 bills—40 bills. And then they say: Oh, no, we are not conducting a war on women. Yes, you are. Yes, you are. When you want to turn the clock back to the days when women died from back-alley abortions, you are conducting a war on women. By the way, if you don't believe a woman should have the right to choose, I respect you. Take that ideology to your own family, of course, but don't tell everyone in America they have to think the way you think. I don't tell them they have to think the way I think. If I have a constituent who says: Senator, I have a certain belief and it means no abortion, I say: God bless you, of course. But if you don't have that belief and you do believe in Roe v. Wade—which most of the people in this country do, where a woman should have the right to choose early in her pregnancy without government interference—if you do believe in that, and that is the law of the land, then you should have that right.

May I ask that there be quiet? Thank you. This is a very serious point—a very serious point.

I have to say, you have now, over on the other side, in the House, a new special committee which is going to continue the witch hunt on Planned Parenthood. Why do they need a new committee? They have several committees. I served proudly in the House for 10 years. There are so many committees that have jurisdiction over health, health care, science, and the rest. If you want to repeal Roe v. Wade, if you want to take away a woman's right to choose, then have the courage to introduce an amendment and do it—just do it. The last time it was done, it failed, here, but if that is what you want to do, I respect you. Come on down and say you think abortion should be a crime, subject to jail time for women, for doctors. Go ahead. Do it. Do it. I will debate you.

I was thinking the other day, the GOP has changed—the Grand Old Party that I knew. The first President George Bush was on the board of Planned Parenthood—was on the board of Planned Parenthood. I was on the board of Planned Parenthood in the 1970s. I was one of the few Democrats. This was a bipartisan issue, women's health, reproductive freedom. It was not a partisan issue. So the Grand Old Party has changed from the GOP. I call them the POP, the ''party of the past.'' They are the party of the past. Not only do they

want to reverse Roe v. Wade, but they don't have the courage to come down and do it directly. Oh, no, they defund Planned Parenthood. Come on. I wasn't born yesterday. It is obvious, and I know what this is all about: take away the clinics, take away the health care, take away women's right to choose. It is happening all over the country. If you don't like Roe v. Wade, come down and try to overturn it here.

OK. Now, fetal tissue research. There are organizations all over this country that do make fetal tissue available to save lives—to save lives. How long has this been in place? It was under Ronald Reagan, when he was President, that he set up this special committee that was headed by a pro-life judge, an anti-choice judge. They studied this and said it is very important to do it—very important to do it.

In 1993, Congress voted to federally fund fetal tissue research. If you don't like fetal tissue research, if you think we ought to stop it, come down with a bill, introduce it, and we will argue it. If you don't want to do fetal tissue research, if you don't think it is good to find cures for Parkinson's, Alzheimer's, you come down and put the bill in the hopper. Oh, no, they don't want to do that. They just want to conduct a witch hunt on one of the organizations that help make fetal tissue research possible, and this after—this after they had the head of Planned Parenthood before the Congress for 4 or 5 hours straight, only topped by what they did to former Secretary of State Hillary Clinton. I think she was there 11 hours. So after all those hours that Cecile Richards—and they asked her what she was paid to do her work. I never heard them ask anybody else what they get paid. As it turned out, she was on the low scale of what equivalent jobs are. That is not the point. They harassed her for hours—hours—and their rhetoric was not good.

What we say matters. What we say matters. When I say I respect people who feel they would never allow their child or their wife to have an abortion, I respect that, but if somebody else says we agree with Roe v. Wade that in the early stages it ought to be an option for women and their family, I respect them. I don't demonize one side, but the other side does over and over again. I have stood on this floor for many years now, frankly, with my colleague PATTY MURRAY and my colleague DIANNE FEINSTEIN, and we have heard mostly men come down and lecture us about how it is terrible. Roe v. Wade should never be the law of the land. There should be no abortion, and the rest of it. That is their right. I do not believe it is their right to take away funding from an organization that serves 3 million Americans a year and saves lives.

So while Republicans—the party of the past—have put in 40 bills to take away a woman's right to choose, essentially, we say today, through the Murray amendment, we are looking at the future, we are looking with clear eyes, we are looking at our people, and we support people who go to Planned Parenthood for their health care, and we are going to vote—and I pray we win this vote—to strip out this attack on Planned Parenthood. We are here to say: Stop this assault on women's health care. It is wrong. It is absolutely wrong.

I want to put it into context. I said that Planned Parenthood serves 3 million people. I want to give even more specifics. Four hundred thousand women receive their Pap tests to protect themselves against cervical cancer. They want to stop that funding. They want to take away services from 400,000 women. They say: Oh, no, we really don't. They will go other places. They will go to little health care centers.

Excuse me. I have those health care system centers—more than anybody. They are overworked, overloaded, and they support Planned Parenthood. They are attacking 500,000 women who get breast exams, and if a doctor finds a lump, they refer them for a mammogram. They go after women and men who have nowhere else to turn for their most basic health care. We have been down this road before.

A few months ago in this very Senate, we defeated the Republicans' attempt to defund Planned Parenthood, but they are back again with the same old, same old party of the past attitude. They are attacking Planned Parenthood because Planned Parenthood has a host of services, 97 percent of which have nothing to do with abortion. If you don't want to have abortion legal, you want to make it a crime, you want to put doctors in jail, you want to put women in jail, then come down here and put something in a bill form, repeal Roe v. Wade, and criminalize abortion.

I am old enough to remember when it was a crime. Let me tell you something. There are graves all over this country with women who died from back-alley abortions and botched abortions. They never said it was from that because then they would have died as a criminal. We are not going to go back to those days. The party of the past is not winning on this. They are not going to win, because President Obama is going to veto this bill. Maybe this next Senate will have a pro-choice Senate for a change.

In 2011, Republicans threatened to shut down the entire Government of the United States of America if Planned Parenthood wasn't defunded. Remember, 97 percent of what Planned Parenthood does has nothing to do with abortion, but Planned Parenthood is in their line of attack and they haven't stopped. The rhetoric matters. What they say matters.

In fact, these attacks go back to 1916 when Planned Parenthood's founder was arrested because she was providing birth control information to poor people. Imagine, a woman was arrested for explaining to some people how they could prevent unwanted pregnancies—arrested. I admit that we have come a long way, but these people want to take us back. Yes, a woman was arrested for advocating birth control. Now you have Republicans right in this Senate and in this Congress who say that women shouldn't have access to free birth control.

If they don't want to take birth control, fine. Don't; it is fine with me. I respect it. If you don't think your family should ever have an abortion, I am with you all the way on your right. That is your right. But this is America. We don't have Big Government think. We don't have Big Government telling you what to think about your own body or what your religion should be.

This is a major issue. I always thought the old GOP was the party of independence. We have our views, but people have a right to think the way they want to think. No, that is the old GOP. This is the new POP, the party of the past.

Let me say this. This is sad. This is the 21st century. We should be working together to ensure that every family has access to legal health care. If you want to make something illegal, have the courage to come down here and say it is illegal. Don't start defunding organizations that give women health care. Also, stop the demonizing rhetoric. One candidate for President on the Republican side called people who were pro-choice barbarians, and he happens to be a Senator. He called us barbarians.

What we say matters. Political witch hunts are wrong. What we say matters. Special committees set up to demonize an organization like Planned Parenthood—that is wrong. I wrote to Speaker RYAN. I asked him to disband the latest House committee that was set up. It is costing taxpayers hundreds of thousands of dollars for a special committee when they have a slew of committees that have jurisdiction over health care and over science and fetal tissue research. It is a political witch hunt being paid for by taxpayers after they hauled the President of Planned Parenthood before them and had her sit there for hour after hour.

The American people have to wake up to this. That is why I am taking all of this time. This isn't a small matter of supporting PATTY MURRAY's amendment, which is so important. It is a very simple amendment. We are going to stop them from defunding Planned Parenthood, and we are actually going to increase spending on women's health. I can assure you that when you catch breast cancer early, it pays dividends, first and foremost to the woman and her family—she is going to live—and second of all, to the taxpayers. They don't have to treat cancer with expensive drugs and surgeries. The same is true when you catch cervical cancer.

When my friend suggests that we spend more on health care to prevent these problems, she is doing something

right for the taxpayers. Let's be clear. There is a dangerous climate out there for Planned Parenthood, and it is going to be exacerbated today. Since 1977, there have been 11 murders, 17 attempted murders, 42 bombings, and 186 arsons against abortion clinics and providers for doing something that is legal. Anything we say that promotes this kind of terrorism and violence—anything we say that results in this—we should never say. We need to protect medical personnel and staff who put their lives on the line every day working in these clinics, and we should protect the patients who rely on them.

As my colleague said, imagine a doctor, a nurse having to wear protective gear under their uniform. The Women's Health Care and Clinic Security and Safety Fund that my friend is proposing is very important. It is a very important vote. It will provide compensation for health providers who provide the full spectrum of comprehensive women's health care services, and it will enhance safety at clinics.

The great Ted Kennedy and I worked on the FACE Act. That was his bill. The FACE Act was meant to protect patients and doctors at clinics. All those years ago—I was a young, new Senator then, and he asked if I would be his lieutenant and help him get the bill through.

We got the bill through, but I think what Senator MURRAY is doing today is responding to the violence, the increased violence, the atmosphere of fear that we see at these clinics. Her amendment also requires the Secretary of Health and Human Services to work in coordination with the Attorney General's National Task Force on Violence Against Health Care Providers to submit an annual report to Congress identifying the best practices to ensure the security and safety of clinics, providers, facilities, and staff. We cannot waste another minute on yet another vicious, wrongheaded assault on women's health.

As I said, if you don't want women to have the right to choose, then have the courage to come down here and take it away. But don't do it through the back door by attacking an organization that provides health care to 3 million people every year. If you don't want fetal tissue research that has been legal for a very long time—since 1993 we have had government funding. If you don't like it, if you don't think it is helping find cures for diseases, come down here and stop it. Don't attack an organization that is involved in that activity legally. If you want to take us back to pre-1973 when women died in back alleys, have the courage to come down here and make your case. Believe me, we will take you on, but do it because that is what you want. Don't hide behind attacking these organizations. That is a phony way to approach something. Approach it straight ahead.

We have fought this fight before. We have won this fight before. They wanted to shut down the government. We said: Go ahead; try it. And we beat them.

They are doing it again. I have to say, this isn't about me. This isn't about Senator MURRAY. This isn't about any individual Senator on the other side.

We are here for a little time in history. In America, we don't go back. I say to the party of the past: We don't go back in America. We go forward. We don't take away rights. We expand rights. We don't have Big Government telling people what to do in the privacy of their own homes, their own bedrooms, their own lives. We let them make the decision, as long as it is legal. We are going to fight to make sure men and women across this country continue to get the services they need. We are going to make sure that Planned Parenthood is still there for the millions of women and families who depend on it.

I strongly support the Murray amendment. I compliment her for putting it together. I hope we get a good vote—maybe even a majority vote—and make a strong statement for this Senate that we stand with the 3 million people who rely on Planned Parenthood, and we stand for health care.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I have been able to sit in and listen to the debate today about bringing forward a bill that will do two simple things: remove funding from the single largest provider of abortions in the country, an organization that has recently sold the body parts of children to the highest bidder. Also, we would deal with one of the main issues that I face every single day in my State, as people struggle under the harmful effects every day of the Affordable Care Act, which has proven to be neither affordable nor caring to many people in my State.

Let me say some of the things that I have heard recently—that this is all about going after women's health. As a very proud husband of a very beautiful lady and a proud dad of two beautiful daughters and as a son of a breast cancer survivor, this has nothing to do with going after women's health, nor demonizing women, nor the war on women, nor all the other accusations that I have recently heard. This is not about protecting what I have heard called a lifesaving health care organization where 325,000 children died in it last year. This is about a simple thing: children.

In the past, back in the old days, they used to identify tissue as just tissue. The wart on your skin and other tissues in your body were expendable, and it was just tissue, so why does it matter? In the past people used to think that way, but now science is able to look inside the womb and is able to count 10 fingers and 10 toes on a child and watch a child suck its thumb. Scientists can look inside and take a sample and see that that child has different DNA than the mom and dad. We are now able to look inside the womb and see a unique fingerprint that is different from the mom and dad's fingerprint. We understand something different now because in the past there was a belief that it was just tissue, but now we understand it is not tissue. It is a child. As Americans we believe in a simple thing: life, liberty, and the pursuit of happiness. It has been what we have been all about from the beginning. This is not some attack on women's health. These are millions of voices rising up around the Nation and saying: We are better than this as a nation.

Why would we continue to supplement the death of children? Why would we do that? Can we be better than that? In the days ahead, I firmly believe we are on the right side of history, those of us who stand up for children and for those who cannot speak for themselves. The most innocent and vulnerable in our society need our protection. Just because they are small and just because you can't see them doesn't mean they are not valuable and can be thrown away. These are children we are talking about—little girls, little boys—and we think it is important that someone in this country speaks out for them.

I have heard of late that those of us who speak for life should be quieter because there are irrational people in the country who would attack a Planned Parenthood clinic. I just have to reinforce this point: No one who speaks for life goes and takes a life. No one who speaks for the lives of children runs out and takes the life of an adult and says that is justifiable. It is not justifiable. It is horrific. But just like those individuals who speak tenaciously against religion shouldn't be silenced because there was a shooting in a church, saying people who are anti-faith should suddenly have no voice in America because some irrational person shoots someone in a church, the same is true that individuals who speak out for the lives of children shouldn't suddenly be silenced by being screamed down because an insane person does a shooting in a clinic. Both of them are wrong.

It is reasonable for us to ask a simple question: Can we, as a nation, start a conversation again about children with 10 fingers and 10 toes and unique DNA with life and promise? Can someone speak out for them? I think we can.

This conversation today is also about the Affordable Care Act, its promises, and what has actually occurred. There is no question we have major health care delivery issues in America. There is no question we have major insurance issues in America. It has been that way for a while, and it needs desperate resolution.

My State, like many other States, started stepping into this. A Democratic Governor from my State led the way with our legislature in 2004 to pass

something called Insure Oklahoma and start the process in our State, asking: What can we do to try to help the most vulnerable in our State? How can we help provide some supplement to another plan?

We received waivers around Medicaid and started working through a process both for those who are employed and not employed to help provide that safety net for those individuals. It was a very successful plan until the Affordable Care Act was passed, and then the waivers were removed from our State and those individuals under that plan lost their plan and had to change to another one. In fact, I had some of those individuals approach me and say: I know this is a plan that is provided by our State so it will be grandfathered into the Affordable Care Act, won't it? I had to tell them: No, it will not. We have been denied on that.

It is remarkable to me, as we deal with these two topics side by side, how some of the opponents of life can say: We want freedom of choice and Big Government out of our lives, but when we get to health care delivery, the bigger the government, the better. We want less choice. We don't want States to have the option to do that. We don't want businesses to be able to choose how they are going to do that. We don't want individuals to be able to have that choice. We want Big Government to step into people's lives and their health care delivery and tell them how it is going to be done. It is fascinating to me to be able to see those two issues juxtaposed all of a sudden—get government out of our lives but get more government into our health care.

Now what do we do?

In 2010, President Obama made this statement in his State of the Union Address:

> By the time I'm finished speaking tonight, more Americans will have lost their health insurance. Millions will lose it this year. Our deficit will grow. Premiums will go up. Copays will go up. Patients will be denied the care they need. Small business owners will continue to drop coverage altogether. I will not walk away from these Americans and neither should the people in this Chamber.

It is an interesting statement based on what actually occurred then after the Patient Protection and Affordable Care Act was actually passed, which is another issue to me. It is interesting to me how now this is really called ObamaCare or the Affordable Care Act. Almost no one calls it the Patient Protection and Affordable Care Act, when that was originally its name, and now for some reason patient protection has been dropped from our vernacular when this bill is discussed.

So he made the statement that more Americans will have lost their health insurance. I have already referenced how we had thousands of Oklahomans lose their health care coverage as soon as the Affordable Care Act went into place because they were on Insure Oklahoma. That coverage was lost for them. We now have fewer options in Oklahoma for health care.

Blue Cross Blue Shield began notifying 40,000 Oklahomans it will no longer offer the Blue Choice provider network to individuals. CommunityCare of Oklahoma, a Tulsa-based company offering health maintenance organization plans, has notified the Federal Government it plans to drop out of the Affordable Care Act market. GlobalHealth, another Tulsa-based HMO insurer, said it has already notified Oklahomans it is leaving the Affordable Care Act market. Assurant Health, a Wisconsin company that has also covered Oklahomans, has now notified the government it is leaving the health care coverage area. UnitedHealthcare, the new participant in Oklahoma's Affordable Care Act market, has not announced the details of the plans it will offer, but State officials said its rates will be competitive. That will be interesting because next year the rates in Oklahoma will go up, on average, 35 percent. That is not some projected number. That is the actual number that rates will increase in my State—35 percent.

It is interesting to me that yesterday on this same floor I heard arguments back and forth about the cost-of-living increase and the need for individuals who are in a vulnerable position and are receiving Social Security—need that help for a cost-of-living increase. I completely understand the dynamic of that, but at the same time individuals who would support a cost-of-living increase for Social Security recipients don't seem to bat an eye when people in my State have health insurance increases of 35 percent next year. Do you know how difficult it is to cover a 35-percent health care premium increase?

While the President was speaking in 2010, he said that the premiums will go up. Under the plan he put into place, the premiums will dramatically go up in my State in 2016. The President said while speaking in 2010: ''The copays will go up unless we don't do something.''

The editorial board of the great Oklahoma newspaper, The Oklahoman, on November 30, said:

> Numerous reports have noted that policies sold through ObamaCare exchanges increasingly rely on very high deductibles with limited provider networks. For someone with a major illness such as cancer, these policies are still beneficial. But for relatively healthy people, the deductibles are so high that there's little functional difference between being uninsured and insured when it comes to an impact on one's personal finances.

I cannot tell you the number of Oklahomans I have talked to who have said this one thing to me: I have insurance because the law requires me to do it, but it is so expensive I cannot use it. So I literally pay for something because I am forced to, but I can't actually use it on a day-to-day basis because the copays are so high.

I hear the same thing from doctors and hospitals. Hospitals were told that their charity care would go down because everyone will be forced to have insurance. Here is what I actually hear from the hospitals in Oklahoma: Their charity care has gone up, all of them. Their charity care and their writeoff have gone up because now those individuals walk into those hospitals and say: I have insurance. But when they get the bill and realize how high their payment will be, they say: I cannot pay it. So the charity care at hospitals has actually gone up.

This is from a statement President Obama made in 2010: ''Patients will be denied the care that they need.'' Well, let me give you an example. On June 4 of this year, there was a highlight of Kaylen Richter, a 4-year-old who was denied coverage under the marketplace for a prescription she needed for her asthma. We have a loss of choice and a loss of competition in my State. Instead of more options, we have fewer options.

Doctors' offices are selling out because physicians can't seem to make ends meet. There are so many requirements on them, they are selling their private practice and going into larger hospital practices. Hospitals are actually having to take in diagnostic facilities. Hospitals are taking care of individual physician practices. Hospitals are combining with other hospitals.

Instead of greater competition, we see a smaller number of hospitals and a smaller number of entities. Instead, hospitals and entities are becoming larger and larger to be able to sustain that. We have even seen that nationally in the insurance market. Because of what is happening in the Affordable Care Act, it is pushing out insurance around the country. Remember the great statement: It is not government-controlled health care, it is insurance. Right now, Anthem, Cigna, Aetna, and Humana are all going through a combining process, where those four insurance companies that are national, large-scale companies realize they cannot make it under the Affordable Care Act and are merging into one giant company to see if they can make it as a giant company, resulting in fewer options, fewer choices, and centrally controlled health care.

How do we turn this back? I will tell you in some ways, you can't. The Democrats and President, who have passed this, have succeeded in permanently changing health care in America.

Those individual physicians who used to practice individual medicine all over the country and have now merged into larger hospitals, you don't undo that. Those individuals who were going to go into medical school but chose not to now, you don't undo that for a generation. These insurance companies that combined into large groups, you don't undo that. The diagnostic facilities that are going out of business and merging with large hospitals, you don't just quickly undo that. They have succeeded at permanently changing health care delivery in America.

The challenge now is, How do we help in the days ahead? What do we do? I

will say that some things can be done. We can continue to provide greater options, but the first thing we can do is stop the hemorrhaging. First, do no harm. First, engage and try to help the people who are affected by this.

I have offered an amendment in this bill that deals with something called the health care compact. It allows individual States that want to be able to manage their health care to be able to manage the health care in their State. This may seem like a crazy idea except it is already done in every single State right now. Every single State already has a Medicaid process, has a health care authority, and has already made decisions which are severely limited by Federal regulations, but that structure is already in place to take care of the most vulnerable in our Nation.

The health care compact would allow States to be able to broaden their authorities and to be able to do what needs to be done in order to take care of the individuals in their State, as my State has tried so hard to do with Insure Oklahoma and other options to be made available to people in my State that are being forbidden by the Federal Government. This would open that back up and would allow that competition.

I can assure you that every time I speak to smaller rural hospitals in my State, they cannot get the attention of CMS and the Federal Government because they are small and rural and people in DC don't know where they are located and they don't have a big enough lobbying voice. They are just another one of those community hospitals out there. That doesn't happen if they are interacting with people in my State. Because those health care parameters are being set by people in Oklahoma City and our State capitol, they know every small rural hospital and the dynamics and difficulties there. They are not last in line. They are a part of the family.

Allowing individual States to be able to make health care decisions through a health care compact that actually allows that State to be able to manage health care in their State is a tremendous asset. My State, along with eight other States, has asked for that. It is not an unfair request. It is something we should make available to States that choose to do that.

Will every State choose to do that? No. Some States will probably want the Federal Government to be able to manage their health care. Those States are free to do that, but for States that want to be able to have that choice, allow them to have the freedom to do that. If they have the structure in place to fulfill the needs within their State, why would we forbid it? Why in the world would we say that those of us in Washington, DC, know and care more for Oklahomans than Oklahomans? When the folks in Washington, DC, say: No, we care more about that State and those people in that State rather than the people of that State, I think they are misguided. This can be done differently.

What are we up against? We are up against real people who face real issues. It has been incredibly difficult for them to be able to walk through the ObamaCare transition. This is not about patient protection, and it has been far from affordable as prices continue to go up.

Let me read one story from my State. It is from a lady who lives in a rural area in my State, which has been one of the toughest areas. The Affordable Care Act assumes everyone lives in New York City or some metropolitan area. Welcome to the rest of America. Not everyone lives in big, urban settings. This is one of those folks. She lives in a rural area, not too far, but a good distance, from Oklahoma City.

She said she sold some land recently—and by the way, she is on a health care exchange. She sold some land recently, which we do in rural America. That made her income go up significantly for that 1 year—one land sale. She said the marketplace doesn't see it as a 1-year thing, so they take all the information about her subsidies on that before taxes. So it raised her premium from $43 to $400. She said she is going to try to figure out a way to be able to manage that.

Then she says this: Why does she have to pay so much for a plan that is not even usable in her area? No one will take her insurance, and providers are dropping it because they are not getting paid. She has to travel now all the way to Oklahoma City so she can find care at all. All she is looking for is an affordable option and providers in her area that will actually take it. It is one thing to say it provides an option. It is another thing to say people can actually access that option.

We can do better as Americans. This is a conversation we should have. Let's have it. Let's talk about a better way to be able to do this. This is not about fixing something. This is about a transition that is happening in health care in America that needs to be corrected. We can never go back to where we were. There has been too much permanent damage in the system. Now it is a matter of what can be done that is best for people—not what is best for the Federal Government but what is best for the people of our States. Let's do it.

I encourage the adoption of my amendment, and I encourage the adoption of this reconciliation package that is before our Nation and this body in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have a few remarks to respond to my colleague's remarks, and then I ask—I am not going to be long—to be immediately followed by Senator BLUMENTHAL.

Mr. LANKFORD. Mr. President, I would have objection to that request if I am not able to respond to the comments she makes.

Mrs. BOXER. OK, I will just yield to the Senator from Connecticut for a question, and I will give him his time that way.

My colleague from Oklahoma came down, and, first of all, he talks about ObamaCare and forgets the fact that there are millions and millions and millions of Americans who now have insurance, the same kind of insurance he has as a Senator and I have as a Senator. He forgets the fact, No. 1, that we have seen more people insured than in modern history. He conveniently forgets that fact. He forgets the fact that there are no limits on coverage. Insurance companies can't cancel a person's health insurance.

He talks about children with great eloquence—and I am sure he is a fantastic parent—but he forgets that 17 million children with pre-existing conditions are insured, which is a pretty important point.

I really have to take offense to some of the remarks of my colleague. He makes an eloquent point about States' rights. He finishes his argument about ObamaCare saying: Don't have the Federal Government tell my State what to do. Well, in essence, ObamaCare doesn't do that. We have an exchange. But, yes, we do require people to get insurance. That is true, and that comes from the plan of a Republican Governor named Mitt Romney. Then he says: Leave my State alone. Then he wants to take away a woman's right to choose an abortion. He wants to do that. He thinks the Federal Government should do that. So he makes an eloquent point about States' rights, but he, as a Senator who doesn't believe in abortion—and that is his total right, and I respect it and I defend it—basically says he wants to decide for everybody in the country that they shouldn't be able to have an abortion because he doesn't approve of that. What makes his opinion more important than mine? There are dozens—it isn't. This is America. We all have different views about when life begins, about Roe v. Wade. Yet he stands here and uses rhetoric that I say is irresponsible. That is my opinion. It is my opinion, not his.

Now, the Senator started off his discussion by saying the truth, that he has a beautiful wife and a beautiful family. Well, I want the Senator to know I have a handsome husband and a beautiful family. So he has a beautiful wife and a beautiful family, and I have a handsome husband and a beautiful family. What the heck does that have to do with anything else? We are both parents. I am a grandparent. I gave birth. What does that have to do with this conversation? The fact of the matter is it is not about your beautiful family or my beautiful family. It is about the beautiful families out there who, A, need insurance, and B, will make their own decision in America about when life begins, and who will make their own decision in America as to whether they support Roe v. Wade.

Then my friend says that someone in his family survived cancer—and thank God. I have had friends who have survived it, and I have friends who have died from it and family members as well.

This conversation has nothing to do with our lives personally. It has to do with the other lives that we impact when we say we are going to take away health care from 3 million Americans who get it from Planned Parenthood.

Now, my friend lectures us. He has done this before. He and I have gone at this before. It is fine. He talks about his deep feelings about how he is against abortion at any stage. Then why doesn't he come to the floor, after all his rhetoric—I listened to it and I am offended by it, frankly—why doesn't he come down here and right a wrong that says it is a crime to have an abortion and you should go to jail. That is what he is basically saying, if we listen to his rhetoric, the words he used. No, he doesn't do that. I checked his legislative record. He just wants to defund organizations that are operating under complete legality—under Roe v. Wade, the law of the land.

Abortion has been legal since 1973. The Senator doesn't agree with it. I have total respect for that. But if you think it is a crime, then go ahead, instead of coming here and giving these speeches about those of us who happen to believe it is up to a woman to decide these issues. He is really basically saying we are advocating a crime, and that is offensive. I would never say that to my friend, never. And then, of course, the whole party over there is attacking an organization that is operating legally under the law. Ninety-seven percent of what they do is breast cancer screenings, STD screenings, cervical cancer screenings—saving peoples' lives. I have met them. I have looked them in the eye. I know what I am talking about.

So if you don't think that 3 percent of the work Planned Parenthood does—which is absolutely connected to reproductive health, the 3 percent—then come down and say it is a crime. But I bet none of my friends would do that, because if I went to my people and I said Republicans think you should go to jail if you have an abortion or go to jail if you take a contraception—some of them feel that way, not all of them—they would really be in trouble at the polls.

When you make these verbal attacks on people who don't agree with you, sir, your words matter. Your words matter. They have an impact. You are here because you are eloquent. Your words have an impact, and if what you want to have happen is to put people in jail for performing a legal procedure, come down here and do that, but don't come down here and say what you think is a crime and then say, therefore, we are going to defund an organization that is operating illegally.

Now, my friend from the other side of the aisle may not like it, but 3 million people count on Planned Parenthood, and his approach is an attack on those 3 million people. More than—I don't know how many people live in Oklahoma, but I would assume it is fewer than that, perhaps.

This obsession in repealing ObamaCare, despite the fact that it is helping so many people, is of epic proportions. We have seen a repeal in the House of Representatives 52 times.

I wonder if my friend from Connecticut wanted me to yield for a question or if he is going to wait.

Mr. BLUMENTHAL. I will wait.

Mrs. BOXER. Mr. President, just to sum it all up, it is offensive to hear someone describe what is the law of the land as a criminal act. It is offensive, to describe it as a crime. But more than that, if that is what you believe—and I respect your right to believe it—then come up here and do what you are doing. Overturn Roe v. Wade. Tell the women of America they have no right to choose anymore. If that is what you want to do, go ahead and do it. If you want to make it a crime, make it a crime. That is honest. What is dishonest is to attack an organization that is acting within the law, which is helping 3 million people, and I would say that is what this debate is about.

I just hope the Murray amendment passes today. It will send a strong signal. And if it doesn't pass, we know this bill is going to be vetoed, because this President understands that this government is not the be all and end all. We are not the moral voice of the universe. We are not. People don't even like us as an institution. Let them make up their own minds in their own homes, with their own God, with their own family. I support them, whatever their decision is. Whether they are pro-choice, whether they are anti-choice, I will fight for their right to decide for themselves, but I will not force my view on somebody else. That is what being pro-choice means, that you are willing to understand that there are different positions. I don't have every answer, and the Senator from Oklahoma doesn't have every answer. It is called humility. I don't have the answer. I will trust my constituents to make that decision.

I hope that we will stop this attack on Planned Parenthood. If this is really about a woman's right to choose, let's have that debate. If you want to call it a crime, which I have heard on this floor, then put your bill out there. Tell people they are committing a crime. Put them in jail. Do that. We will have the debate, and we will win that debate, but don't go after organizations that are acting completely within the law.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield such time as the Senator from Oklahoma needs to respond.

The PRESIDING OFFICER (Mr. SULLIVAN). Senators are reminded that they will refer to each other in the third person.

The Senator from Oklahoma.

Mr. LANKFORD. Thank you, Mr. President.

That was actually the first thing I was going to say, that we refer back to Senate rules that we are to address the Presiding Officer rather than each other, and I appreciate the Presiding Officer acknowledging that, according to Senate rules.

My simple statement today was not intended to be offensive. In fact, I think if I went back through the transcript of what I said—I am looking for what was offensive rhetoric that was stated multiple times by the Senator from California. As I try to think back through what was offensive rhetoric, my saying that children have ten fingers and ten toes, unique DNA, and a unique fingerprint doesn't seem to be offensive. I think also if I went through the legislative record, I never talked about criminalizing anything. I heard multiple times through a conversation on the floor that I was criminalizing, criminalizing, criminalizing. I was actually speaking out for millions of children each year that die and saying: Would we not want to reconsider the new science that has been available in America for decades now, to look inside the womb and see ten fingers and ten toes and unique DNA and a fingerprint that is different from the mom or the dad, and to understand that we have a basic principle as Americans to life, liberty, and the pursuit of happiness? That is a unique value.

Even the Supreme Court, when they ruled on Roe v. Wade, talked about viability. Current science continues to press on what is viable. A friend of mine delivered last year a little girl that was 14 ounces. That little girl is a healthy little girl now over 1 year old, continuing and doing fine. In 1973 that child would not have been viable. She is very much a child. She is beautiful.

As for this whole conversation about millions of people losing insurance if ObamaCare goes away and don't I care about millions of people and insurance, the issue is not millions of people being covered. There are other ways to be able to help millions of Americans. As I acknowledged when I spoke, there are real issues in health care delivery in America and there are significant issues that continue to this day. My simple statement was that those issues get larger and larger, and my concern is that while individuals would stand up and say we have millions of people covered, they ignore a 35-percent increase of premiums in my State. They ignore the reality of a growing copay in my State and that people are forced by law to buy a product they cannot actually afford to use. My simple statement is this: Can we not acknowledge—not that there are not millions of people not newly covered—that we have millions of people now that have a coverage that they cannot use and cannot afford to keep yet they are compelled

by law to do it. In fact, they become criminals if they don't buy the health care coverage required by law. These are real issues and they really do need dialogue. Good civil dialogue will help us work these things out—and centering in on the facts.

With that, I yield back.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2876

Mr. BLUMENTHAL. Mr. President, I want to thank my colleagues from Oklahoma and California for this exchange of views, and most particularly I want to thank my colleague from the State of Washington for the amendment that she has offered that would, in effect, remove or eliminate a harmful provision in the budget reconciliation bill, a provision that would eliminate funding for Planned Parenthood and other providers of reproductive health services for women. Very importantly, it would also establish a fund to assist the Department of Justice in monitoring and combating violent opposition to women seeking access to lawful reproductive health services.

We can have a broad and comprehensive debate on a great many of the subjects that are related to the amendment offered by Senator MURRAY, but the simple fact is that funding for Planned Parenthood helps with women's health care. It provides services such as cancer screening, birth control, and STI testing and treatment that simply are inaccessible and unavailable to those women anywhere else. For all the talk about alternatives to Planned Parenthood, the women who receive services through Planned Parenthood have nowhere else to go in so many instances. In the majority of the care provided by Planned Parenthood, cancer screenings, birth control, and STI testing and treatment result in pregnancies that are wanted and intended and produce healthy children, as opposed to pregnancies that are unintended and unwanted, which certainly in this body and in America generally, no one wants to see.

So I hope that we have common ground here, that an organization such as Planned Parenthood, which does so much good, and the men and women of Planned Parenthood, who have so much courage and fortitude in the face of threats and intimidation that confront them every day, should be supported, not demeaned or dismissed. Their funding should be enhanced, not diminished. So far as enforcement is concerned, the Department of Justice should be doing more and doing better. It should be provided with those funds that will assist in combatting and monitoring the violent opposition to women who are seeking services. We have seen in just the past few days the impact of that violence, tragically, in death and injury in Colorado. But that tragedy is simply the tip of ongoing and apparently unceasing threats and intimidation at many of those clinics and health care services around the country. So I say with sadness—not anger but grief—in seeing the horrific impact of this violence, that the services are necessary, health care should be supported, and violent opposition should be monitored and prosecuted wherever it occurs.

Today I pay tribute to clinicians, professionals, volunteers, escorts, and all those who support Planned Parenthood and who continue their work in the face of the dangers that confront them day in and day out. I hope my colleagues will support me in endorsing Senator MURRAY's amendment so we can ensure women continue to have access to these necessary basic health care services.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. At the end of the year, Mr. President, when there is so much to do, I think it is particularly important for this body to try to find common ground on difficult issues, to try to be bipartisan. I mentioned it yesterday, but literally 24 hours ago, I joined with the senior Senator from Iowa, Mr. GRASSLEY, on a bipartisan effort to deal with this enormous challenge of making sure that when we have breakthrough cures for serious illnesses here in our country, Americans are going to be able to afford them. Senator GRASSLEY and I teamed up for 18 months, reviewed 20,000 documents, did an exhaustive inquiry into the new drugs that have come out to deal with hepatitis C, and they are extraordinary drugs. The question is, Will Americans be able to pay for them? Senator GRASSLEY and I thought it was very important to do it because this is what the future is going to be about.

I know the distinguished Senator's son is very interested in these health issues. As we try to get cures for Alzheimer's, diabetes, heart disease, and the question of hepatitis C, it is wonderful to have the cure. The question is, Is it going to be beyond the reach of the people? Senator GRASSLEY and I, for over 18 months, worked painstakingly in a bipartisan kind of way, and it has been very well received. So 24 hours ago we were talking about that, and what I am so troubled about this morning is that when we need bipartisanship more than ever, we are looking at a partisan reconciliation bill that, in my view, will undermine women's health care in this country by denying funding to Planned Parenthood.

My view is that to take away health care choices from American women that have nothing to do with abortion—particularly after the horrific act last week in Colorado—is just an act of legislative malpractice that is beneath the Senate.

I note that it is going to get a veto if it hits the President's desk. My hope is that this body will not let it get that far.

It is long past time, in my view, to end the ongoing campaign to undermine the fundamental right of all women to make their own reproductive choices and access affordable high quality health care. Millions of American women, including tens of thousands in my home State of Oregon, turn to Planned Parenthood for the routine health care services that this bill puts at risk. I have read this list on the floor before, but it appears not to be sinking in. So let me repeat it. This bill, for millions of women, could eliminate access to pregnancy testing, possibly gone; and birth control, possibly gone; prenatal services, possibly gone; HIV tests, possibly gone; cancer screenings, possibly gone; vaccinations, possibly gone; testing and treatment for sexually transmitted infections, possibly gone; basic physical exams, possibly gone; treatment for chronic conditions, possibly gone; pediatric care, possibly gone; hospital and specialist referrals, possibly gone; adoption referrals, possibly gone; and nutrition programs, possibly gone. When you wipe out Planned Parenthood's funding, you dramatically curb access for women in this country to health care services that have absolutely nothing to do with abortion. I know that there is a smear campaign out there that says that is not the case, but it is.

Senator MURRAY and I have a proposal that has taken a different tack. Our amendment says that instead of putting women's health care at risk, let's do more to guarantee that women in Oregon and Washington and Alaska and across the country get the high quality care they need. Let's help our health care clinics treat more women, and let's help them keep their patients safe when they walk through that door. The proposal that Senator MURRAY and I have put forward, in my view, is worthy of support from Democrats and Republicans. That has always been the case.

I have enjoyed talking to my new colleague from Alaska, and we talked about what has happened to this question of the Senate's historically bipartisan approach, which is why I spent some time talking about how proud I was to team up yesterday with the distinguished senior Senator from Iowa, Mr. GRASSLEY, on this question of making sure that when there are breakthrough blockbuster cures, people can actually afford them and can actually get them. Those kinds of issues, along with women's health, ought to be a bipartisan cause. It has historically been a bipartisan cause. My hope is that my new colleague from Alaska, the distinguished Presiding Officer of the Senate, is going to continue that as we talk about that kind of historical approach where we try to find common ground on issues such as women's health care.

I also wish to note, colleagues, the reconciliation bill involves the Senate Finance Committee. Chairman HATCH, of course, chairs the committee; I am the ranking member. We have a significant role with respect to these public

health programs, and we have tried to work in a bipartisan way. But this reconciliation bill is a rejection of bipartisanship. It is going to pump more noise into the echo chamber, but my view is it is going to drive the parties further apart in this effort that I look forward to talking to our new colleague about, which is how we are going to get people together to work in a bipartisan way for improving women's health care.

When you create such a vitriolic fever pitch, there are obviously real consequences. To me, the politics of hostility and extremism help spark a culture of violence. And amid that dangerous and toxic culture, a man walked into a Planned Parenthood clinic determined to do enormous harm. In my view, it attacks women's health. It is an attack on the American public, and it cannot be tolerated. It must be fought and resisted at every opportunity.

At a moment when the Senate has a long list of issues to wrap up before the year's end and many serious challenges to face, my view is that we ought to be in the business of trying to solve problems, not create more of them. It is not as if there is a shortage of things that have to be addressed; we have plenty of stuff. So why in the world would we want to reject the Senate's long tradition of bipartisanship and take a very partisan turn with this reconciliation bill?

I hope my colleagues will support the Murray-Wyden amendment when we vote on it, end the campaign against women's health, and do everything we can to restore the historic tradition of this body working in a bipartisan way on women's health.

Without going into too much of the history when I was thinking about coming over and thinking about the tradition of the Senate, one of the first things that happened when I came to the Senate is I had the opportunity to work with our former colleague Senator Snowe of Maine, who was a champion of exactly these kinds of issues: choices for women and improvements in women's health care.

We can have all of that again—men and women working together in the Senate on behalf of the States that sent us to support improvements in women's health. To do that this week you have to support the Murray-Wyden amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I support the reconciliation bill that is before us. It will do the job. It will end the Affordable Care Act that the American people rightly have opposed, and it will put us in a position to repeal this monstrosity of a 1,700-page bill that was jammed through Congress in the last hours before Christmas Eve in 2009.

I remember that day very well. It was a strict party-line vote and was passed despite the objections of the American people. It resulted in quite a number of people who voted for it not being in the Senate or the House again, and it remains a decisive issue for our country.

Six years ago, the American people did not favor this legislation, they resisted it. But the Democratic leadership and President Obama determined they were going to pass it, no matter what the people said. They were going to get this done, and they rammed it through on Christmas Eve of 2009, even though Scott Brown was elected a month later in Massachusetts on a campaign to kill the bill. Had he been here at that time, there would have been only 59 votes, insufficient votes to shut off debate, and the bill would not have passed. He won in Massachusetts—one of our most liberal States—on a campaign that said: I will be the vote that kills this legislation. So I want to say first and foremost that the American people knew this wouldn't work. They opposed it from the beginning, they opposed the philosophy of it, and they knew we were going to have a mess on our hands.

Now we have a majority of Republicans in both Houses. There are 54 Republican Senators in the Senate. We are going to move this reconciliation bill, and it will end the effectiveness of ObamaCare. But we know the President will veto it.

I will just say this, colleagues. This is a historic moment. This is a moment of great importance nearly 6 years after this bill passed. You can be sure the people who pushed it to passage were absolutely confident that although the people opposed it then, they would get used to it, they would go along with it, and it could never be repealed. But that has not happened. The voters have elected Members of Congress to oppose this legislation. The polling data shows continued strong opposition to this legislation. What we are going to do is establish that the elected Congress, a majority in both Houses, opposes this terrible law and we will vote to end this incredible piece of legislation.

We knew it was bad, but there was no way we could have understood what was in all of those pages. Health care is utterly complex. It is so different in every state from Wyoming, Alabama, New York, Massachusetts, and California, and even cities within the States—it is all different. So, a one-sized-fits-all approach dictated by the federal government simply will not work.

The Federal Government cannot run anything very well, frankly. We absolutely do not need to be involving ourselves in and dominating health care in America. That is not the way to get better health care for our people.

It was obvious from the beginning that we were going to have high costs and difficulties, but it actually rolled out with more difficulty than people could have imagined, starting with the failed computer systems. We had Democrats and Republicans concerned over how it was being carried out. It was bad from the beginning, and things are not getting any better.

One of the most dramatic promises the President of the United States made to the American people was in September of 2009. In pushing for this legislation, he said:

> The plan I'm announcing tonight would meet three basic goals. . . . it will slow the growth of health care costs for our families, our businesses, and our government.

Well, that has not happened. In fact, health care costs for the insured in America are surging. In Alabama we are seeing 28 percent increases in premiums. I am going to read some letters from people who say what has happened to their insurance premiums and how incredibly high the deductibles are. No one has written my office to tell me that their healthcare costs have decreased.

President Obama went so far at one point to promise that his health care plan would ''bring down premiums by $2,500 for the typical family.''

The American people didn't buy that. They have heard these kinds of big government schemes before. They want to go to their doctors. They were pretty confident in their plans, and they were worried about costs, so this promise meant a lot to them. The President of the United States had said that costs were going to come down. That meant a lot, but they were skeptical. Their instinct, though, was correct because it hasn't happened, and health care costs have continued to go up.

The administration has acknowledged that many consumers will see noticeable premium increases—and indeed we have—when buying health care on the ObamaCare exchanges in 2016. According to Health and Human Services' own data—government's agency—premiums would increase by an average of 7.5 percent for the benchmark silver plans in 2016 in 37 States using the exchanges, which includes Alabama. But, the rates for the benchmark plan in Alabama will increase by even more than that in 2016—by 12.6 percent.

For 2016, Blue Cross Blue Shield of Alabama, the largest insurer in the State, reported an increase of 28 percent for individual plans and 13.8 percent for small group plans. These are huge costs. Currently, Blue Cross Blue Shield plans on the Obamacare exchange cover about 174,000 Alabamans. This is real money for a lot of people.

BCBS initially proposed to increase the premiums for the platinum plans, the highest coverage, by 71 percent but later reported a final increase of 28 percent. We saw the same trend with the gold plans—BCBS initially requested a 53 percent increase, but it was finally reduced to 28 percent.

UnitedHealthcare, the second largest insurer in the State and one of the largest in the country, reported an average increase of 24.5 percent. This amounts to real money out of the pockets of real Americans.

So, it is clear that the healthcare law is fundamentally raising costs, reducing choice, and is opposed by the American people.

In June of 2009, President Obama stated:

If you like your health care plan, you will be able to keep your health care plan. Period.

That meant a lot to people. A lot of people said: Well, if they do all that—but if I can keep my plan, I am not too worried about it, as long as I can keep my plan.

Did that turn out to be true? No, it did not. By the end of 2013, the Associated Press reported that 4.7 million Americans received cancellation notices for their insurance plans due to the Affordable Care Act.

In 2013, PolitiFact defined the ''Lie of the Year'' as President Obama's promise that ''If you like your health care plan, you can keep it.''

They just said it. Costs are going down, and you can keep your health care plan if you want to. They continued to say that, and they were able to get the law through Congress. But even then, the polling data showed the American people did not support this plan. Scott Brown of Massachusetts ran on it in the liberal State of Massachusetts. He said: Elect me, and I will be the vote that kills it. But, they got it done before he could take office.

Under this so-called ''affordable act,'' we have higher premiums and higher deductibles. Great Scott, I am amazed at how high the deductibles have become. This is a communication from an individual in the Birmingham area. He wrote to me in June of this year:

I am an owner of a small 10 person CPA firm in Vestavia. In our group plan offered by BCBS, for our family of 5 our BCBS health insurance went up by $6k a year last year and we are facing more increases this year from BCBS. In our case, this puts our family spending right at $24,000 a year on health insurance. We are blessed enough that we don't qualify for a subsidy and our new policy has less coverage much higher deductibles and more out of pocket costs than ever before. But that said, we are currently spending 18% of our family's AGI on health insurance premiums.

He is not happy.

Another individual from Mobile, AL, writes me:

First year premiums 300 per month, last year 405 dollars per month and now for 2016 premium to be 1562 per month. I am being penalized for having worked all my life and having a retirement and income that puts me in an area with no subsidy. The premium is more than what I get from Social Security. This is going to put me into a area where we decide, my wife and I, on whether or not to get insurance.

This is from a Ph.D., who wrote:

For the first time, in 2011, my medical insurance premiums exceeded my mortgage, and they have continued to climb ever since. I now pay over $1,400 a month for mediocre coverage, and it's breaking us. . . . We need a new approach that is market driven and consumer oriented, an approach that doesn't penalize people for failure to participate in the market through a cleverly disguised fine designed to coerce participation from the free citizens of these United States.

Another individual in the Montgomery area wrote:

We just received notification at my place of employment that our health insurance premiums are going [up] at least 25 percent this year and possibly 40 percent next year. As the controller here, with 100 employees, we cannot afford these increases. We have already seen our benefits reduced to try to keep the costs lower but if we keep on at this rate we will be paying even more for less coverage.

That is the real world. And I feel strongly that this is happening out there all over our country.

What I want to say to those who are frustrated, who think nothing can be done, that is not so. What will be demonstrated today is that the majority of both Houses of Congress has the ability to pass legislation that will essentially eliminate this plan and require a complete overhaul of our health care system. We have the votes to do it. Yes, it will be vetoed by the President of the United States. He has rejected any and all improvements ever since the bill was passed. He has fought virtually everything that would make the bill better. No changes can be made in this legislation. But he won't be President forever. We are going to have another President soon. That is a fact. And this new President can sign a reconciliation bill. We will then be able to improve health care in America, to use common sense and not create a government bureaucracy of monumental proportions, and to actually serve the people we represent. We can enable them to have the type of health care policies that they need, at prices they can afford, and help people in need, in the same way we do today. But, we will eliminate this entire government takeover of healthcare.

Several years ago, when asked if he believed in a single-payer plan for health care in America, Senator REID, the Democratic leader, said: Yes, yes, absolutely yes. I raised that in the Committee on the Budget, and we had two Democratic members say: I, too, believe in a single payer for health care in America. One said: I will acknowledge the health care law is not workable today, and the only way to really make it work is to go to a single payer—in other words, a government-dominated health care system in America. I don't think that is the right way to go. The American people don't think that is the right way to go. They oppose that now, they opposed it steadfastly throughout, and they are being proven correct. It is not working. The promises made for it were wrong then and are being proven wrong every month that goes by.

Mr. President, this is an important vote. Don't let anyone suggest it is not. It is a definitional vote: Do you want to fix the broken health care system or do you want to just continue it with no real reform? That is the choice.

I hope we will have bipartisan support for making this kind of change. I hope and believe that if this legislation is vetoed by this President, we will have a new President in not too many months who will sign such legislation and allow us then to create the kind of positive health care system the people of this country deserve.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to say that it has been interesting to hear the debate. It has touched on a lot of things that are close to my heart and that I know are close to a lot of other people's hearts, which is getting health care to more people—health care that is affordable, health care that wasn't available before—and also, frankly, making sure we don't have attacks continue on an organization called Planned Parenthood that delivers lifesaving health care to 3 million Americans each and every year.

There are a couple of points I would like to make. In a very strong debate I had with the Senator from Oklahoma, Mr. LANKFORD, I stated that I was offended because I believed that—Mr. President, I will go through you. The Senator basically said that those of us who are pro-choice are essentially supporting a crime against children, and he took issue with that and said he didn't. Well, I want to place in the RECORD his exact words, if I might.

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

Mrs. BOXER. This is from the transcript. After talking about abortion, he says:

Why would we continue to supplement the death of children?

''Why would we continue to supplement the death of children?'' As I read the English language, that would be an accessory to a crime. So I stand by my words. And I would say again, if the issue is whether abortion should be legal, that is a fair issue. And I think if people feel it is a crime, then they ought to come down here with their legislation to put women in jail. I think that debate would be important. But they shouldn't attack an organization that is legal—Planned Parenthood—that is living within the law, and 97 percent of what they do has nothing to do with choice, and the other 3 percent is totally legal.

The GOP has tried to repeal ObamaCare dozens of times. This is another time. I do agree we have to fix certain aspects of the Affordable Care Act, ObamaCare. Absolutely. In my State, it is a raging success. In California, I want you to know we have 40 million people, so this is a very big test case. We are like the fifth or sixth largest country when it comes to the economy. We have seen the uninsured rates in California drop from 17.2 percent in 2013 to 12.4 percent today—in 2014. We have seen more than 4 million previously uninsured Californians get some sort of health care coverage. And I can say that, yes, we have to make

sure the competition works. What we have in place is not a single-payer law. We have in place an exchange where private companies come in. The competition is important, and if it isn't robust, there are going to be these increases. So I think it is very important. For the people who can't afford to get insurance off Covered California, which is our exchange, we have seen 3.5 million more Californians enroll in Medi-Cal thanks to the Medicaid expansion.

Also, in this country, 30 million women with health insurance are able to access contraception without any cost-sharing. That is very, very important because I would hope we would agree that unintended pregnancies are not what we want regardless of whether we are pro-choice or anti-choice. That is important for planning pregnancies. In 2013 women across this country saved more than $483 million in out-of-pocket costs for birth control.

I know there is concern about ObamaCare that continues and rages on. I think the question is, Do we want to make it work better—of course there are things we can do to make it work better—or do we want to go back to the days when if you had high blood pressure or diabetes, you couldn't get a policy?

I remember so clearly constituents grabbing me by the arm and saying: My son was born with a disability. I can't get coverage. What am I going to do?

People went broke. People lost their homes and they lost their savings before the Affordable Care Act.

As I say, nothing is perfect, nobody is perfect—not each of us, that is for sure—and the Affordable Care Act is not perfect. We need to fix it, but what we have heard over and over again from the other side is not a legitimate point; it is just an attack, a screaming attack against ObamaCare—the Affordable Care Act—and there is nothing in its stead. We have said to the other side: Let us know. Well, the reason there is nothing in its stead is the underlying form of ObamaCare—the Affordable Care Act—is a Republican idea, and it is that everybody needs to get health care, and it was based on Mitt Romney's plan that he put into effect in Massachusetts.

So I could go on and on about the amazing results of the Affordable Care Act. I mean, I have had people come up and say: Oh my God, my child can stay on my policy until age 26. That is amazing. I have cancer, and I used to have a limit on what my insurance would pay. Now those limits are off because of ObamaCare.

So whether it is preexisting conditions, or kicking a child off, or getting sick and then finding out, guess what, that is it for you, I don't want to go back to those bad old days. I am willing to sit down with anyone of good will and fix the parts of ObamaCare that aren't working. That is fine. But, again, what we see constantly is this trying to completely torpedo—and in this case by taking away the funds. In the case of Planned Parenthood, it is just: We do not like the underlying women's health reproductive laws, so we are going after the face of women's health—Planned Parenthood. That is an attack on women.

What we are seeing from the other side is an attack on women, an attack on reproductive health care, an attack on the Affordable Care Act—ObamaCare—which, although not perfect, is saving families, saving lives. This is important.

I hope we will support the Murray amendment today. If that passes, then Planned Parenthood will still be funded. If it fails, the President is going to veto this bill, and we will have enough votes to sustain that. But this is an exercise that is unfortunate because it is an attack on an organization that is doing everything under the law, everything that is legal. They had the president of Planned Parenthood sit for hour after hour after hour after hour after hour, haranguing her—haranguing her—a woman who really, in many ways, is working to save lives because when you discover breast cancer early—I think the Chair would agree with me—it is so treatable and so curable. If you find STDs, you can treat them. If you find cervical cancer in an early stage, you can save a life. That is what they are doing.

As my friend Senator WYDEN said—he is the ranking member of the Committee on Finance and a champion for women's health and health in general—the fact is, 97 percent of what Planned Parenthood does are these screenings, these important screenings. This is basic health care—making sure someone's blood pressure is OK. There are so many people who go there for their first line of health care. The fact that they are in women's reproductive health care—3 percent of their work entails that. It is legal. It is legal. It has been legal since 1973.

I say to my friends on both sides who don't like it, if you don't like it, come down here and try to change the law. Make it a crime. Do what you want. We will fight you. We will beat you. But that would be honest. What isn't honest is attacking an organization that has been in place for almost 100 years and the rhetoric associated with it.

We have seen across this country—I am not talking about Colorado because the facts aren't in—an increase in threats to doctors, nurses, patients, and clinics. We have seen real problems. So what we say matters. What we do matters. I want to thank my friend, who has worked so hard on this. I am so strongly supporting the Murray-Wyden amendment. I think it is absolutely critical. What I love about it is you expand access to health care, but you pay for it. That is really important.

So let's come together over party lines. Let's support that amendment, and let's defeat this attack on the Affordable Care Act, which, yes, we can make better. But to toss it out or to make it unworkable with cuts that we see in these reconciliation bills would be a blow to tens of millions of Americans.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Wisconsin.

AMENDMENT NO. 2875

Mr. JOHNSON. Madam President, I was listening to the good Senator from California use a couple words, obviously, calling the health care law the ''Affordable Care Act.'' To use the full name, the Patient Protection and Affordable Care Act is a real Orwellian name. She used the word ''amazing'' about the act.

She also accused Republicans of attacking women. Let me read an email I received from a 60-year-old woman in Spooner, WI, who describes an attack on her by the Patient Protection and Affordable Care Act. The email reads:

> I am a 60-year-old married female and have maintained an individual health insurance policy since retiring from teaching in June of 2012. Prior to the implementation of the Affordable Care Act, my monthly premium was $276.16 a month. On December 1, 2014, the premium increased by 23 percent to $339.68 to comply with the coverages of the Public Health Service act. That is a 23 percent increase. In August 2015, I received notification that my insurance plan was no longer available, and in order to comply with the Affordable Care Act I would have to have new coverage effective December 1, 2015, with an annual premium of $661.94, a 95 percent increase.

Let me just review that. Prior to the Affordable Care Act, this 60-year-old woman in Spooner, WI, a retired teacher, was paying $276 per month for her health care, and she lost her health care plan. She could no longer buy that plan. Another plan was going to cost $661.94—a 95-percent increase in 1 year.

> Today, October 31, 2015, I received notification that the ACA requires all coverage to renew on January 1st of every year, and that effective January 1, 2016, the premium would be $786.68, an increase over the December premium which would be in effect for only 1 month of 19 percent.

So she summarizes:

> The increase in my premium between November 2014 and January 2016 is $510, a 185 percent increase.

She asked the very legitimate question of the Patient Protection and Affordable Care Act. She asked: ''How is this affordable?'' Of course, the answer is, it is not, and she was not protected. She goes on:

> I have worked since I was age 16, and I have maintained my own health insurance either through my employer or individually. Now at age 60 I find that I can no longer afford the $9,440 annual premium for my health insurance. My husband and I are not wealthy. We have always lived modestly and saved as much as possible so we could live comfortably in our retirement. Now we are penalized for that savings, because our combined incomes, my husband is on Social Security and has income from a 401(k), we do not qualify for any financial assistance.

She ends with a pretty simple sentence, a pretty simple request—a request that I am going to try to honor

today. She says: ''Please work to repeal this unfair act.''

Let me review this one more time—again, the results, the attacks, the assault on our freedom caused by ObamaCare, the Patient Protection and Affordable Care Act. This 60-year-old woman from Spooner, WI, prior to ObamaCare was paying $276 per month for her insurance. She could afford it. She liked her health care plan. She probably liked her doctors. Next year, she will be paying $786 per month, a 185-percent increase—actually 2.3 times higher than what she was paying prior to the Affordable Care Act. Again, she lost coverage she liked. That has been the result of ObamaCare for far too many Americans.

So having listened to the Senator from California talk about how Republicans are attacking women, I think this email from a real person who has been damaged, harmed by ObamaCare in Spooner, WI—I would say the attack on women has come from the Patient Protection and Affordable Care Act.

Earlier this morning I offered my amendment, and I would like to thank Senator CORY GARDNER from Colorado for helping me offer it. It is a pretty simple amendment. It was modeled under the bill I introduced in 2013, the If You Like Your Health Plan, You Can Keep it Act. We have a similar type of amendment. It is designed to protect women who are under attack by ObamaCare, such as this 60-year-old woman from Spooner, WI, to restore their freedom—their choice—to be able to buy the health care they could afford, that suited their needs, that paid for medicine and health care with the doctor they trusted.

That is what ObamaCare has taken away from the American public, from this 60-year-old woman from Spooner, WI. It has taken away that freedom. It has taken away that choice. It has cost her dearly. It has been an attack on that woman from Spooner, WI. That is the reality. I don't care how much lipstick you try to put on the pig we call ObamaCare, the reality of the situation is it has done great harm to real people, and it is past time—well past time—that we repeal it. I will be pleased to vote yes in honor of her request to please work to repair or to repeal this unfair act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I congratulate the Senator from Wisconsin for his amendment. I look forward to voting on it, this afternoon, I understand.

This is actually the promise that President Obama made: If you like the coverage you have, if you like your health insurance, you can keep it. But, in fact, we know that has not proven to be true.

I know when the Senator from Wisconsin ran for the Senate, one of the primary motivating factors was his own experience with his own daughter. I have heard him tell that story time and again. I know he feels strongly about it, as well as he feels strongly about his constituents who have been harmed as a result of this law, which has not performed as advertised.

Mr. JOHNSON. Will the Senator yield?

Mr. CORNYN. I will.

Mr. JOHNSON. The Senator mentioned my daughter, who, by the way, just blessed us with a granddaughter just 3 weeks ago. It is a very short story, if the Senator doesn't mind me telling it. It did motivate me to run. I think it illustrates how damaging ObamaCare has been and could be in the future.

Our daughter Carey was born 32 years ago with a very serious congenital heart defect. Her aorta and pulmonary artery were reversed. The first day of life, there was an incredibly dedicated, incredibly skilled medical professional—a doctor who President Obama just weeks before had accused of looking to fee schedules—not that individual doctor but doctors in general—to see what they would be willing to charge to take out a set of tonsils or amputate a foot to make a few more bucks. That charge is so offensive on so many levels because those doctors came in on her first day of life at 1:30 in the morning and saved Carey's life.

Then, 8 months later, when her heart was the size of a small plum, and with 7 hours of open-heart surgery, a team of incredibly dedicated medical professionals in 7 hours of open-heart surgery rebaffled the upper chamber of her heart. Her heart operates backwards today, but she is 32 years old. She is actually a nurse practitioner, practicing in the same hospital where her life was saved. Now she is a new mom, and she made me a new granddad.

Our health care system wasn't perfect prior to ObamaCare, but it was still a marvel. I am so concerned about the loss of freedom. My wife and I just went to renew our health insurance policy. We are buying it in Wisconsin. We can't buy a policy that will pay for care outside of the network. Our freedoms are being restricted. If I had that health care today, would I be able to go to the specialist outside of our network and get that first-class care that saved my daughter's life? I am not so sure. That is why it is vital that we repeal ObamaCare and, at a minimum, vote for this amendment so that if you actually do like your health care plan, this amendment allows you to keep it.

I appreciate the Senator for yielding and allowing me to tell that story.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I appreciate getting to hear that story again. I have heard that story a number of times from the Senator from Wisconsin. I think it shows how special this effort is to try to get people the health care they want at a price they can afford and how ObamaCare has done just the opposite. Rather than being part of this false narrative about a war on women, there are a lot of women and young girls who have been harmed by ObamaCare, which has been a disaster.

Of course, I remember being here on Christmas Eve, 7 a.m., 2009, when our Democratic colleagues, then in the majority, had 60 votes and they passed ObamaCare without a single Republican vote. I think that was a terrible mistake. It was a terrible mistake to take something as important to most Americans or virtually to every American—their health care—and totally reform the health care system in a partisan way and one that could not be sustained. Indeed, we have seen in the 5 years since that time that our country's health care system is in complete disarray.

We have all read the headlines that describe the double-digit premium increases and the skyrocketing deductibles that make people wonder why they should buy health insurance in the first place. I guess the answer to that is this: If you don't, under ObamaCare you are going to get penalized. That is the individual mandate that President Obama at one point said he was opposed to when he ran for President in 2008, although I guess he came to love it.

But that is the way the government operates when it mandates what you do. It takes away from your freedom, as the Senator from Wisconsin said, but it also uses coercion and financial penalties to force you to do something you wouldn't naturally do because it is not good for you or your family. You are being forced to buy coverage you don't need at a price you can't afford. So the only way the government makes this function—to the extent it has functioned—is out of coercion, out of penalizing the American people and forcing them to buy something they don't want. So it is no surprise that such a massive program of Federal overreach comes with a major pricetag. This is something that we haven't talked about enough.

In order to pay for ObamaCare, the Congressional Budget Office estimates it will cost taxpayers more than $116 billion a year—$116 billion. Over the next 10 years, that pricetag totals more than $1 trillion in new taxes. Now, I know for most of us we can't even conceive of what that number must be, but that is big. That is huge. It is a huge burden on American taxpayers and hard-working families. One reason people are struggling to pay the premiums for their ObamaCare coverage is because over the last 7 years wages have been basically stagnant. Our economy has been bouncing along the bottom, just barely out of range of a recession. So people are finding their cost of living going up—their price for food, their price for health care. Perhaps the only good news in the last few years has been that the price of gasoline has come down because of unrelated reasons. But people are struggling to

make ends meet, hard-working middle-class families who previously had been thriving in this economy.

The bottom line is that ObamaCare has left the American people paying more for their medical needs while reducing access and weakening coverage. The people I work for back home are adamant they want this to stop. So that is the vote we will have tomorrow—to stop this huge government overreach that does not serve the interests of the people whom presumably it was designed to protect and to provide access for.

The phone calls and letters and social media posts and face-to-face meetings that I have had in Texas over the last 5 years tell me how ObamaCare has hurt, not helped, hard-working Texans. Last month I received even more letters from my constituents who are exasperated about their health care plans. I heard from Texans who have lost their doctors and their insurance plans for the same reason that the Senator from Wisconsin mentioned. They no longer covered certain specialties that are outside the network, and that is because they have had to try to find a way to economize. What they have done is they have restricted access to doctors and hospitals.

Then there are the rising premiums. Because of the mandates, you are being forced to buy coverage that you don't need. For example, healthy men are being forced to purchase maternity care. It makes no sense. Young, healthy individuals are being forced to buy coverage to subsidize older Americans.

Then there is the matter of the deductibles. If there is one story that I have heard after another, it is from hospitals in Texas, saying that people are admitted to our hospital but they have such a high deductible, it is as if they are self-insured. Many of them can't afford to the pay the deductibles, so we have to eat it. We have to find a way to provide them health care because we know they won't able to pay their bill, particularly if it is not within the deductible.

One constituent wrote:

> We were happy with our insurance, but we didn't get to keep it. We were happy with our doctors, but we didn't keep them.

The same constituent said, ''Our plans to retire early have been sidetracked by the unaffordable cost of healthcare.''

I have also heard from folks who have lost their employer-provided health insurance and are now forced to pay double their previous rate.

One of my constituents wrote:

> Like many other companies [mine] dumped its retired employee medical benefits and said go get your own health care insurance. . . . [Before, it] was only $150 a month. Now, under ObamaCare our [insurance] will cost us $366 a month!

That may not seem like a lot of money to a lot of people, but if you are a retired person and you are on fixed income and if you made plans for your future—including your health care—to see your health care premiums more than double is a big deal.

The same person continued: ''I know where you stand on this issue, but wanted you to see another example of how terrible the problem is.''

That is a good word for it: ''terrible.''

I have also heard from other folks back home who are forced to spend countless hours of time and energy researching new plans because their previous insurance was canceled. The President and his allies in this takeover of America's health care system have said to some people who liked their health coverage that it wasn't good enough, so they basically made it illegal to continue to sell it.

One of my constituents wrote and said:

> I have to spend my valuable time researching yet again, a plan that meets my healthcare needs and possibly stays within my budget. . . . where is the affordable in the Affordable Care Act?

That is another good question. I think it is useful to understand that ObamaCare is not a topic that Texans or most Americans are simply indifferent about. People care strongly about making this law a thing of the past. My constituents overwhelmingly want this law repealed and replaced with more choices where people can buy the health care they need at a price they can afford. That does not seem like a lot to ask.

With the increasing reports from across the country about how ObamaCare is hurting American families, there should be no doubt about this vote. Although, I predict this will be a party-line vote where all of our Democratic friends who supported ObamaCare are sticking with it to the very end. But it is unsustainable. It will not work. What we would be more productive in doing is trying to work together to come up with what the alternative would be that would provide people more affordable care and the coverage they need.

The American people have made crystal clear—last November, in particular, when they put Republican majorities in both Chambers of Congress—that they want us to do something about this ill-advised, misguided law. I look forward to delivering on our promise to vote to repeal ObamaCare tomorrow evening before we adjourn for the week.

This legislation we are currently considering would eliminate more than $1 trillion in tax increases and will likely save the American people hundreds of billions of dollars in future spending. This is a time when our national debt is $18 trillion plus. All we are doing is adding more and more debt to future generations who someday are going to have to pay it back. Maybe my generation will not be around long enough to have to pay that bill, but the next generation and beyond will.

By repealing ObamaCare, we can craft a better way to provide health care options that actually work for every American at an affordable price. I look forward to getting this bill passed and hopefully providing relief to millions of Americans who are burdened by ObamaCare.

I wish to close by saying a good word about the chairman of the Budget Committee who has been a counselor, adviser, and navigator of sorts to many of us in this challenging procedural exercise known as budget reconciliation. I am incredibly grateful, not only for the good work he did in assisting us in passing the first budget that we have passed since 2009—that is pretty important—but now shepherding us through this very difficult process and helping us as the new majority to keep our promise to the American people to repeal ObamaCare. When we do that and we vote to pass this repeal of ObamaCare tomorrow evening, it will be in large part because of the invaluable contributions made by the chairman of the Budget Committee, the Senator from Wyoming, and his able staff. This has been a team effort. There is no doubt about it, but he has been a leader of that team effort.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

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

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

PARIS CLIMATE CHANGE SUMMIT

Mr. CARDIN. Madam President, as the ranking Democrat on the Senate Foreign Relations Committee, my highest priority is America's security. Let me share with my colleagues how the climate change summit that is taking place in Paris affects global and U.S. security. Climate change is a global problem. Global problems require global solutions. As negotiators from over 180 nations gather in Paris, I think it is important that the Senate take note of this historic moment—when all countries, developed and developing, are finally coming together to tackle the global threat of climate change. The achievement of a new international agreement under the United Nations Framework Convention on Climate Change in Paris is our chance to ensure that future generations have the opportunity to enjoy a safer, healthier, and more prosperous world. Time is running out for us to act.

As world leaders gather to find cooperative solutions to combating climate change, I am reminded of the message of Pope Francis's Climate Change Encyclical and the environmental crisis facing our planet. Let me quote from Pope Francis.

> The urgent challenge to protect our common home includes a concern to bring the whole human family together to seek a sustainable and integral development, for we know that things can change. . . . I urgently appeal, for a new dialogue about how we are shaping the future of our planet. We need a

conversation which includes everyone, since the environmental challenge we are undergoing, and its human roots, concern and affect us all. . . . Climate change is a global problem with grave implications: environmental, social, economic, political, and for the distribution of goods. It represents one of the principal challenges facing humanity in our day.

Pope Francis is correct. World leaders are heeding the Holy See's call for collective action, and for the first time in history, we are on the cusp of reaching an agreement where all countries will commit to doing their fair share to lower greenhouse gases. Now, 187 nations representing 97 percent of the global carbon emitters have already submitted plans to lower or limit their carbon pollution.

U.S. diplomatic leadership helped spur countries like China, Brazil, Mexico, South Africa, and others, some of which were previously reluctant to pledge any action on reducing emissions or to make serious commitments to curb greenhouse pollution. To underscore these commitments, some developing countries are also contributing to the international climate finance mechanisms that will help the world's most vulnerable populations adapt to the world's worst impacts of climate change. China alone has pledged more than $3 billion to this effort.

Now that the United States has finally persuaded the broadest possible group of countries to take actions against climate change, it is no longer true to argue that the United States shouldn't reduce its emissions because developing countries refuse to follow suit. We have gotten them all to act. Paris is the best chance we have of forging an agreement where all countries pledge to lower their carbon emissions.

U.S. leadership brought us to where we are today, and now the United States must seize the opportunity for a truly global agreement to address climate change. The United States voluntarily submitted its carbon reduction goals very early in the process. Our deliberative early action, which included an explanation of the national policies that will result in the achievements of our mission reduction goals, spurred more than 180 countries to do the same.

China, for example, committed to lower its carbon emissions per unit of GDP by 60 percent to 65 percent below 2005 levels and increase renewable energy to account for 20 percent of its electricity generation by 2030. This will require China to build an additional 800 to 1,000 gigawatts of nonfossil electric generation, which is close to the entire installed capacity of all powerplants in the United States.

The global outpouring of support for cooperation is a true testament to the strength of U.S. global leadership on climate change. Optimism and global cooperation in these efforts are at an all-time high, and that is largely due to constructive U.S. engagement. If we want to lock in this progress, we must support a strong and ambitious agreement in Paris.

These initial pledges will not put an end to global warming, but they are a strong first step that sets the international community on a path to limit the rise of temperature by 2 degrees Celsius by 2100. Continuing on our current trajectory would result in a projected warming of 3.6 degrees Celsius by the end of this century. But with the pledges currently on the table in Paris, we can lower this to 2.7 degrees—more than halfway to the 2 degree goal.

More importantly, however, these Paris pledges are only the first wave of action. Actions coming out of Paris will give us a lasting framework whereby countries can update their pledges over time to ensure that they meet their global goal of 2 degrees Celsius.

By implementing their initial commitments and making further investments in clean energy, cheaper renewable fuels will allow for even more ambitious carbon reductions in the future. The Paris agreement alone will not end the threat of climate change, but it is a solid first step—one that includes countries at every stage of economic development.

The private sector has also come out to voice its support for this ambitious agreement in Paris. Already 154 U.S. companies, representing $4.2 trillion in annual revenue, operating in all 50 States, and employing 11 million Americans, have signed the American Business Act on Climate Pledge and are voicing their support for a positive outcome in Paris. It is not just governments. It is also the private sector, which we desperately need for Paris to be successful.

The Paris agreement will help send a strong market signal for clean, renewable energy worldwide, and that long-term certainty is exactly what investors need. If we don't embrace the clean energy revolution that the world is poised to leap forward into, then our competitors will. It will be the doubters and the deniers who will be blamed for the United States' descent from a global leader in clean energy technology innovation.

U.S. deployment of clean energy and technologies has grown exponentially in recent years. Renewable energy generation has experienced the fastest growth of all generation sectors. Since 2008, the cost of clean energy technologies has dropped dramatically, fostering this growth. For example, with wind energy, as of 2014, there were more than 65,000 megawatts of utility-scale wind power deployed across 39 States—enough to generate electricity for more than 16 million households. In solar energy, by 2014 the total capacity of the utility-scale solar PV reached 9.7 gigawatts with 99 percent of these installations occurring after 2008. This trend has continued with 15 percent of all electric generation capacity brought online from January to September 2015 arising from the utility-scale PV.

There is almost limitless growth potential in clean energy. The United States has traditionally led the world in energy technology development for more than a century. U.S. energy innovations brought power and light to the world, and that continued spirit of leadership is powering the global clean energy revolution. Strong outcomes in the international agreement that is coming together at COP21 Paris will be a catalyst in the clean energy revolution. The world is looking to the United States for continued leadership.

This week's announcement of the new Mission Innovation Initiative led by the U.S. Department of Energy and Secretary Moniz, which includes 19 other nations, is a gleaming example of U.S. clean energy diplomacy, sending another strong signal of U.S. cooperation and commitments to growing job and investment opportunities in the United States while providing global clean energy solutions that will allow developing global communities to bypass cheap and dirty power and thrive through deployment of affordable clean energy solutions. It will be U.S. technology helping the global community produce energy in a more cost-effective and cleaner way, thereby creating more jobs in the United States.

Climate change affects us all. The people of Maryland understand that. Those who live on Smith Island in the Chesapeake Bay are seeing their island disappear due to the more frequent storms we are experiencing and the health of the Chesapeake Bay.

Climate change is also a world stability issue. Climate refugees are a real concern for regional and U.S. security, so this is a national security imperative. The solution is COP21 Paris. Two percent Celsius goals will dramatically improve the environmental health of the planet, thereby helping us with our national security. It will give us energy security because we have renewables that are a lot easier to get to and are more plentiful than the fossil fuels. Health energy security will enable us to no longer be dependent on circumstances that occur in other parts of the world. And, yes, we will also create more jobs, particularly by the use of U.S. innovations.

The Paris agreement will serve as an important role in transitioning the world toward more renewable energy which will serve as a source of American job growth and innovation and put America back in control of our own energy future.

Paris is our best opportunity to avoid the most devastating impact of climate change. We need an agreement to ensure that all countries do their fair share to address this problem. In order to lock in years of U.S. leadership, we need an agreement to maintain the clean energy revolution that is so critical to job creation here at home and protecting our Nation's energy security, but most importantly, we need an

agreement to make sure we avoid the most catastrophic impacts of climate change that threaten the rights of our children and our grandchildren to pursue a healthy, safe, and prosperous life.

I thank my colleagues for their indulgence, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 2875

Mr. WYDEN. Madam President, the distinguished Senator from Wisconsin has offered an amendment dealing with the Affordable Care Act. I have been talking to the staff of both the Finance Committee and the Budget Committee, and frankly it is a real head-scratcher because it appears that our colleague from Wisconsin is seeking to bring back the so-called grandfathered health plans that existed between 2010 and the end of 2013. We are still trying to sort through this, but at this point it looks to me like something of a health care Frankenstein. It seeks to bring the dead back to life by having all those plans that were grandfathered on December 31, 2013, and died on that date magically brought back to life by the Senator from Wisconsin. Many of the plans that were in existence on December 31, 2013, don't exist anymore. Plans continually change. Plans also changed in 2014, and they changed again in the beginning of 2015.

I am a U.S. Senator who believes very strongly in the role of the marketplace in American health care, but it seems to me that the amendment by the Senator from Wisconsin, as it is written, distorts marketplace forces. Knowing the Senator from Wisconsin as I do, I can't believe that would be his intent. We have been reviewing this amendment, and our understanding is that this amendment reflects an approach to private insurance that is not the way private insurance in America works.

I again come back to my desire to work with colleagues on both sides of the aisle and to work in a bipartisan fashion on health care. That is what the distinguished chairman of the Judiciary Committee did over an 18-month period when he was working with me on pharmaceutical issues. Yesterday, we issued an exhaustive report together that was bipartisan. What we were seeking to do was to make sure that the wonderful cures that are going to be coming to America to address horrendous illnesses will also be ones that will be affordable and accessible.

The important point is that this is bipartisan, and that is the way the big health care issues have historically been dealt with. But I don't see how you can turn back the clock on the health insurance market and somehow bring a dead period back to life. Plans change. That is the nature of the private insurance market. That is the way private insurance in America works.

I am sure we are going to have some more conversations about that, but I do want colleagues to know that at this point, I will have to oppose the amendment offered by the Senator from Wisconsin because I just don't see how we are going to take, as I said, health plans that died and bring them back to life.

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. ROBERTS. 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. ROBERTS. Madam President, for the first time in 5 years, Congress has enacted a full budget that balances. Under our previous leadership, we only passed one budget. We have to look all the way back to 2001 to find the last time Congress passed a balanced 10-year budget.

It is vitally important that we go through the regular budgeting process to ensure we are being efficient and effective when spending hard-working taxpayers' dollars.

Now that we have a final budget framework, we can have the opportunity to adjust spending and make policy changes to rein in the excesses of this administration. The first step in this is the consideration of the budget reconciliation bill.

We have before us a budget bill that not only reduces the Federal deficit, but it does so by dismantling many of the key provisions of the President's health care law known as ObamaCare. We are more than 5 years into its implementation; however, many of the same problems that those of us who were here during the original debate warned of are still causing harm to consumers, and new issues continue to arise. We continue, unfortunately, to see higher costs, less choice for individuals, and higher taxes.

Prior to open enrollment starting, CMS released the ''2016 Marketplace Affordability Snapshot.'' This shows that across the 37 States that use the Federal marketplace, Kansas included, the cost of the second lowest silver plan, or the benchmark plan, will increase on average 7.5 percent as of next year. That number is more than double for Kansas. On average, they are facing a 16-percent increase in the benchmark plan. I would assume the same thing will happen in Iowa, the State of the distinguished Presiding Officer. This is not the promised reduction in premiums the President promised. This is simply not affordable.

Madison from Overland Park, KS, recently wrote to me about her family's struggles. She said:

> Yet again our rates are going up to the point where we cannot afford our health insurance that I have had since before 2008. Out of network hospital and doctors limit my ability to provide for my children the health care they need.

Madison, you certainly hit the nail on the head.

Even if you can afford the increased premiums to maintain coverage, the high deductibles may make it nearly impossible for you to utilize the health services under your plan or your doctors are no longer in your network, thereby limiting your ability to keep the doctor you liked—another broken promise from the President.

Another local problem of concern for me was the announcement that one of the insurance companies that provided coverage on the exchange in Kansans will no longer be offering plans as of next year. This impacts nearly half of all Kansans enrolled through the marketplace who now will again have to find a new plan and possibly new providers.

We need to repeal this law—a law that includes more than $1 trillion in new taxes over the next 10 years. For Kansas households, the economic impact is an average tax increase of $876 a year.

We need to eliminate the individual and employer mandates. The employer mandate is stifling job creation, it is reducing workers' hours, and it is a disincentive for businesses to grow and expand.

Jeff from Kansas City contacted me about this one and the effect the law is having on his manufacturing business. He said:

> Without an exemption [from the employer mandate] I will be forced to cut my staff below 50 or let ObamaCare simply put me out of business in the year 2016. Taking the penalty by not offering health care to my staff is the least expensive option in 2016 and will still put me in the red.

These are not the options our job creators should be stuck contemplating—reducing staff or facing closure.

The individual mandate tax is set to increase on January 1. Individuals opting not to purchase or those not able to afford to purchase insurance next year will now face a penalty of $695 or 2.5 percent of household income, whichever is higher. Again, let me point out, whichever is higher not lower.

Removing this penalty will not only provide financial relief for these individuals, but it will restore the individual freedom of all Americans to choose whether to purchase the government-approved insurance. We need to repeal the so-called Cadillac tax, which if left in effect will lead to reduced benefits and increased costs for employers. We also need to remove the medicine cabinet tax—that is the medicine cabinet tax—a new requirement that people must obtain a prescription to purchase over-the-counter medication—the things we should not need a prescription for—with funds from people's flexible spending accounts.

This reconciliation bill eliminates many of the core provisions—the foundations, so to speak—of ObamaCare, and without a strong foundation of mandates and taxes to finance this massive overhaul, we can then turn to beginning to fix health care. I emphasize fix health care, not ObamaCare.

We need to give peace of mind to the families hurt by ObamaCare. The relief provided by this package does just that. I urge my colleagues to support this bill so we can then provide freedom to all Americans from the mandates of this law and give us an opportunity to pursue more patient-centered reforms that will improve access as well as lower costs for patients.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

EXPRESSING CONDOLENCES TO THE FAMILIES OF THOSE AFFECTED BY THE SHOOTING IN COLORADO SPRINGS

Ms. HIRONO. Madam President, before I begin my remarks, I wish to take a moment to express my condolences to the families of those affected by last week's shooting in Colorado Springs, including the family of Jennifer Markovsky. Jennifer grew up in Waianae, HI. She was killed this past Friday at a Planned Parenthood clinic in Colorado in a senseless act of violence. I spoke recently to Jennifer's husband Paul to express my condolences to him, their two young children, her parents, and her ohana.

Madam President, I wish to speak on an issue of grave importance to all women of the United States; that is, the Republican efforts to defund Planned Parenthood. One of my first forays into politics happened when as a young woman I wrote to my elected officials and asked them about their views on a woman's right to choose. At that time—1970—Hawaii was considering a bill that would legalize abortion. In fact, Hawaii became the first State to do so for our residents.

Choice to me is not something that should be restricted, whether it is the right to choose to end a pregnancy or the right to access birth control. Having control over one's health care decisions is a fundamental right. When a woman has access to a full range of health care services, she has control over her life and her future. Access to birth control and other reproductive options means that women have real control over their economic and personal security.

This latest attack on women's reproductive rights by defunding Planned Parenthood is a misguided attempt to demonize Planned Parenthood. There is currently no Federal funding for abortion services—a policy that already hinders the ability of lower income women to access a full range of reproductive options. Some States such as Hawaii recognize how fundamentally unfair this is and provide State funding for abortion services.

Limiting the ability of women to access health care services at Planned Parenthood clinics across the country is just one part of the Republican anti-women agenda. They refuse to fund day care, family leave or early childhood education. In fact, one Republican health care proposal would allow insurance companies to eliminate maternity care. What is going on here? On the one hand Republicans want to deny women access to reproductive care, on the other they also want to punish women for having children by not funding programs that support families.

I repeat, Federal law already prohibits family planning funding from being used for abortion services by anyone, including by Planned Parenthood. So the measure before us today does nothing more than deny millions of women across the country access to birth control and other health care services that are not only not prohibited but which are perfectly legal.

The real work of Planned Parenthood is preventive health care services. Birth control, STD screenings, and well women exams are the bulk of services provided by Planned Parenthood and its affiliates. Defunding Planned Parenthood will unjustly punish women who have access to no other health care providers for their basic health care needs.

The harm caused by defunding Planned Parenthood is brushed aside by my colleagues. They will argue that they have provided additional funding to community health centers to make up for the loss of funding for Planned Parenthood. This is a red herring. This very limited additional funding will not and cannot replace Planned Parenthood clinics and their important role as a safety net provided for millions of women across the country.

Defunding Planned Parenthood is nothing more than an attempt by some in Congress to pander to a fringe base. The fact is, the majority of Americans support Planned Parenthood and support health care services for women. The continuing efforts to defund Planned Parenthood are false proxies for banning abortion—that is calling a spade a spade—and all that will happen is that women's health care will be put at risk.

These attacks on Planned Parenthood must end. So let's stop wasting time undermining women's health care and get back to the real business at hand. Let's fund the government. Let's give middle-class families and small businesses tax relief. Let's pass bills to invest in our infrastructure and our children's education. These are all things we need to do in the next week that will actually make a difference—a positive difference—in the lives of millions of Americans.

I ask my colleagues to join me in rejecting this extremely partisan measure before us and move on to the real business of the Senate.

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

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

Mr. COATS. Mr. President, for those of us who were seeking office for the Senate in 2010, one of the primary issues we were engaged with and heard from tens of thousands, if not hundreds of thousands, of our citizens about was the concern over the passage of the Affordable Care Act, now called ObamaCare and now also called the Unaffordable Care Act. That was the bill that was jammed through the Senate on Christmas Eve without one Republican vote. Republicans were denied that vote because the Democratic Party controlled both the executive branch and the legislative branch, with numbers that put them in a position where they could jam anything through that they wanted without any offsets, without any amendments, without any changes, without any improvements, without any input from the other party.

I think we have learned through history that when one party has total control and passes legislation, it doesn't represent what the American people want. They want debate. They want adjustments. They want the other side of the story to be told. Then they want their representatives to be able to come to a kind of consensus in terms of how we would deal with, yes, an important issue called health care for the American people.

Were there needed improvements in our health care system that had to be addressed? Yes, there were. There was consensus—almost—on both sides of the aisle, Republicans and Democrats, that changes could be made, but the way the American people wanted that done was for us to represent their views, to look at all the options, to have some balance, which is generally how major programs that need to be addressed successfully can be addressed successfully.

Welfare reform is an example. Under President Clinton, it was a bipartisan effort, with both parties recognizing that changes needed to be made to a system that wasn't working as well as it could. By working together in a bipartisan way, we ended up with a very effective and efficient new system compared to the old system. That was not the case with ObamaCare.

So throughout the 2010 period of time, when I was campaigning for office, I heard the stories from Hoosiers all across the State—big cities, small cities, rural coffee shops, factories, including employers and employees, and I heard their concerns about how this would play out.

We were promised by the President that we didn't have to worry about losing our health insurance and that if we liked our current plan, we could hang onto it. That turned out to be totally false. We were also promised by the President that this would not cost one penny to the American taxpayer. Now we have the contrast to what this program has cost and will cost over a 10-year period of time, and it comes close to $1 trillion. So one penny compared

to $1 trillion—there is a pretty good gap between those numbers. Those were the taxes that were inserted into the Affordable Care Act, or ObamaCare, on the American people that were supposed to cover the cost of up to $1 trillion over a 10-year period of time.

We were told by the President that if we liked our current plan, the premiums would not go up, the premiums would not increase at all, period. Trust me. Take it to the bank. Obviously, that has not been true. We have now seen the rolling out of this done in a way that only the Federal Government could screw it up. Only the Federal Government could fail after spending an extraordinary amount of money—well over a billion to roll out this thing in a totally dysfunctional way.

Today, we continue to hear from our constituents about failed promises, about higher premiums, extraordinarily higher copayments, about how people have not been able to keep the doctor they had, and they are paying taxes to cover something that simply has not worked.

It has been a tortuous process to get to the point where we have the opportunity of not being blocked by the other side. We have an opportunity now that will occur tomorrow to finally get an up-or-down vote on a reconciliation bill that essentially is designed to repeal ObamaCare. There have been many alternatives out there that have been tried, tested, and true in terms of how we can deal with our health care system. We are not just simply walking away, leaving people in a lurch. We are simply saying this whole thing needs to be repealed so we can build a much better way of providing health care for our citizens, and this is the opportunity.

There will be all kinds of amendments. There will be gotcha amendments. I dare you to vote for that. They will be irrelevant to the final issue of what we are doing and what we are voting on. It will be clear to the American people that this is a vote strictly on the repeal of ObamaCare. You are either for it or against it. Come down here and defend it if you like it, if it has worked in your State. I haven't really heard any people coming down and singing its praises. But come down to the floor and say this is why we need it, this is why it is good, and refute what we say here. But I think it is pretty hard. I don't think I heard anybody come down and defend the statement that if you like your health care plan, you can keep it; that it won't cost you a penny, and that your premiums won't rise. We simply know that is not the case. So this is the moment.

We will be able to make our yea be yea and our nay be nay, and the American people will know exactly where we stand, and I believe we will have the votes to pass this in the Senate, as we will have a vote to pass it in the House of Representatives. It will then go to the President, and the President then will know where the Congress stands and where the American people stand, if he doesn't know already.

I would like to mention one aspect of it that has a pretty astounding negative impact on my State, and that is the imposition of a gross sales tax on the sale of medical devices. My State is one of the leading States in the Nation of medical device manufacturers. This tax is levied on their gross sales, not on their profits. In that sense, those small companies that are trying to develop something that will improve people's lives or save people's lives through medical device research and development and then ultimately market it have struggled because through the development process they have to pay a 2.3 percent tax on everything they sell, even if they are not yet making a profit. It has been devastating in terms of employment, in terms of research and development in this cutting edge business and manufacturing that is saving lives and improving the lives of people. So critical to this vote is the medical device tax, which is denying people the opportunity to produce medical devices that save people's lives and enhance their lives.

We have more than 300 FDA-registered medical device manufacturers in Indiana. It is boosting our State's economy and producing technologies that are changing and saving lives, but since the implementation, these companies have had to lay off workers and shelf plans to expand and build new facilities. One major manufacturer had lined up five new plants in Indiana for a significant increase in employment, a significant increase in research and development and production of medical devices, simply to cover the costs they now had to pay on the tax for previous sales of their other products. It is an egregious tax that has affected many companies in the State of Indiana.

In conclusion, how ironic it is that ObamaCare, which President Obama said would increase health care coverage, is actually a barrier to improving lives. So it is long past time for Washington to stop punishing the medical device industry and innovators in Indiana and across this country.

I want to conclude by saying ObamaCare, a poorly written and poorly executed health care plan, is not working for the overwhelming majority of Hoosiers in my State and the majority of Americans. Remember when the then Speaker of the House said: Well, we really don't know what is in this plan; we will have to pass it before we know what is in it. We now know what is in it. We now know what the impact has been. I have been on this floor for hours over the past 5 years talking about real-life examples of impacts of this Unaffordable Health Care Act on Hoosiers. I have given personal testimonies that have been given to me by people. I have heard the horror stories of people losing their insurance, of their premiums skyrocketing, of their deductible putting them in a position where they are not able to afford health care and praying every day that someone in the family won't get sick because they can't even afford the deductible before they get the coverage. This poorly written and poorly executed health care law is not working, and the law's continued unpopularity is a testament to what it has meant for most American families: rising premiums, higher costs, decreased choices, and a poor health care process. All the innovation and things that we could have done had we worked through a normal process on this are sitting on the shelf.

The time is now. It is an opportunity we have been waiting for now going on 6 years. So when we have that vote tomorrow—and despite all the chatter and despite all the attempts to define it as something other than what it is—the real vote comes down to whether you want to continue government-run health care or you want to look for a better model.

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.

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

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

Mrs. FISCHER. Mr. President, we are on the verge of fulfilling a promise that we made to the American people. They selected a new majority here in the Senate to repeal ObamaCare. In Nebraska, words and promises still mean something. They are not taken lightly. Trust me; Nebraskans will let you know when you aren't keeping your word.

Since the first day I took office, I have heard from Nebraskans about how this law is making it harder, not easier, for them to get health care. Nearly 20,000 people have contacted my office, and they have expressed their concerns about this law to me. They face a new reality and struggle to afford premiums for plans requiring thousands in out-of-pocket expenses. I have come to the floor many times to share these stories from Nebraskans, and unfortunately, these stories continue to come in.

Vivian from Saunders County in the State wrote regarding the deductible on her ObamaCare plan, which is so high that her husband, who is a cancer survivor, is forgoing regular checkups. They simply cannot afford the costs.

Kevin from Chappell, NE, shared his experience with struggling to afford the expensive premium while still facing a $10,000 deductible. He wants answers for why his family is being forced to buy a plan that includes services they just don't need.

Ann from Lincoln shared with me her struggle to get coverage for herself and her two children. After jumping

through bureaucratic hoops to get health care coverage, she is now forced to buy an insurance plan that will take 25 percent of her income. That is a quarter of her income.

Some could argue that these are only anecdotes—a small snapshot of what is happening in the State—but let's look at how premiums have changed in Nebraska since this law was passed. Next year, many Nebraskans will see double-digit increases in their health care costs. In 2014, some Nebraskans saw their premiums go up over 100 percent. Why are we still debating whether this law has been a success?

The President has said: ''If you like your plan, you can keep it.'' We have all heard that. Nebraskans were promised they could keep the plans they liked. Well, tell that to the thousands of people in Nebraska who have lost coverage when Nebraska's co-op failed last year. They were blindsided on Christmas Eve with news that they had to choose a new coverage. Now many more Americans are facing this same challenge as over half of the country's co-ops have failed.

Democrats have said this law would help the American people. Americans were promised more. They were promised lower costs for health care. We were promised a $2,500 decrease in insurance costs. Well, clearly that is not the case. This is a mess, and it didn't have to happen.

It is now our duty to fix it. I am proud that Republicans are taking the lead. We are showing the American people our commitment in repealing this law. We can do better. We can provide patient-centered health care. We can let people decide what kind of coverage they need. We can let people take their insurance with them when they move across State lines. We do that with car insurance. But the first step is to end this—a law that costs families more money and doesn't meet their needs.

So I ask, for the sake of all Americans, it is time to take that next step. We need to step up. We need to fix it.

Thank you, Mr. President.

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. TOOMEY. 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. TOOMEY. Mr. President, I want to address an amendment that I have for the ObamaCare repeal bill we will be voting on, possibly soon. It is a simple amendment. I think it is an important one, and it addresses part of the $1.2 trillion in tax increases that are embedded throughout ObamaCare. This, in particular, is a tax increase on middle-class Americans who are battling with catastrophic health care challenges and costs. So I think it was a particularly ill-conceived tax increase and I want us to repeal it.

This is what the tax increase was about. Prior to ObamaCare, if a family had out-of-pocket medical expenses that exceeded 7.5 percent of their income, they could deduct from their taxable income any cost above 7.5 percent of their income. ObamaCare raised that threshold to 10 percent, and that has very real consequences. There was an exception for senior citizens, but that exception expires in 2016, and this tax increase on middle-class Americans makes it harder for families who are trying to deal with, to battle some kind of very problematic health situation they are in. It could be a chronic disease. It could be a catastrophic event.

Let me be specific with an example. Prior to ObamaCare, if a family who earned $50,000, for instance, had extraordinary medical costs, for whatever reason, that were, say, $4,500—so 9 percent of their income—that is a huge medical bill for a family who earns $50,000, obviously. Well, at least prior to ObamaCare, they could deduct $750 of it. That portion which exceeded the 7.5 percent of their income was deductible. Under ObamaCare, they can't deduct any of it. They get no deduction.

So think about what we are doing. We are saying that a middle-class, working-class family with unusually, extraordinarily high medical bills should lose the opportunity they have historically had to at least get a modest deduction to help soften the blow of the catastrophic health crisis they are dealing with. I think this is a terrible idea—to hit these folks with this tax increase—especially at a time when they are dealing with these very difficult circumstances or they wouldn't get the deduction anyway.

So I think it was a bad idea and one of many bad ideas in ObamaCare. What my amendment would do is simply restore that deduction to where it was before ObamaCare. It would restore the ability to deduct that extraordinary health care cost when it exceeds 7.5 percent of income rather than having to hit the 10-percent hurdle ObamaCare created.

By the way, I should point out that this is totally a tax increase on middle-class families. The IRS quantified this. They determined that 86 percent of the taxpayers who claim this deduction—86 percent—earn less than $100,000. This isn't a tax deduction for rich people. This is a tax deduction for ordinary Americans who are going through very difficult times.

Having the ability to take this deduction is more important now than it has ever been because ObamaCare has done so much to drive up people's costs. That is not just I saying this. A November 15 New York Times headline read: ''Many Say High Deductibles Make Their Health Law Insurance All but Useless.'' That is the New York Times.

High deductibles are one of the main contributing factors to people having high out-of-pocket costs. So ObamaCare has driven these plans into these high deductibles, thereby forcing people to lay out more cash and at the same time they are saying: Oh, but you can't deduct it like you used to be able to.

On November 2 CNBC reported that ''ObamaCare's cheapest plans just got more expensive.'' There are deductibles that are soaring to over $12,000, out-of-pocket maximums that are near $14,000. People are incurring out-of-pocket expenses like never before, and they are getting hit with the fact they can no longer take the kind of deduction they used to.

This was a bad idea in the first place. It is a tax increase on those who can least afford it—people who are sick, people who are undergoing maybe a terrible accident, some other disaster that caused them to incur these expenses. It could apply to someone who has long-term care expenses for a relative in a nursing home. It could be the special education expenses for a handicapped child. It could be a mom undergoing reconstructive surgery after a mastectomy. It could be a couple seeking to conceive a child needing fertility treatment. There are any number of circumstances for which I don't think we should be punishing people in this fashion.

My amendment would simply, as I said, restore the tax deduction to the threshold we had before ObamaCare and I would urge its adoption.

As I mentioned, I think this medical expense deduction issue is just one flaw of ObamaCare. It is important, but it is a narrow aspect of an unbelievably flawed bill. It is hard to know where to begin with the flaws of ObamaCare, but I would suggest several big categories of problems: The first is higher costs; the second, I would suggest, is the loss of employment; and the third, which is indisputable, is the loss of freedom.

I think higher costs are undeniable. The President promised us that average premiums would fall, they would fall by $2,500 in fact. He was confident enough to give us a figure, and of course the exact opposite is what has actually occurred. ObamaCare premiums have gone up dramatically. In my State of Pennsylvania, premiums are up, for next year alone, 11 percent. That is after several years of increases prior to an 11-percent increase. Whom do you know who has gotten an 11-percent pay raise? I don't know anybody. That is not what is happening. Yet their expenses are going up because of ObamaCare. Deductibles are rising at the same time. So not only does it cost more to buy the insurance, but the insurance covers less.

I have gotten letters from literally thousands of Pennsylvanians explaining their personal circumstances. One letter came from the DiBello family of Montgomery County and says that before ObamaCare they paid $662 a month for a health insurance plan for their family and they had a $6,000 deductible.

They were happy with their plan. They were promised if they were happy with their plan they could keep their plan. We all heard that promise. How many times was that promise made? That promise was made to the DiBello family. The only slightly unfortunate problem here is everybody knew it was untrue, including the people making the promise because the legislation explicitly forbids whole categories of plans. How could you keep your plan if it is being banned by the Federal law?

Unfortunately, the DiBello family experienced that. So the plan they are buying that goes into effect in 2016, instead of a $662 monthly premium, they are going to have to pay $1,141, and instead of a $6,000 deductible, they are going to have a $12,800 deductible.

You almost have to wonder what is your insurance paying for if the deductible is that high, but that is what ObamaCare has done to the DiBello family of Montgomery County, PA, and let me assure you they are but one of thousands and thousands of families I have heard from across Pennsylvania who are experiencing similar real difficulties.

I mentioned jobs as another category of problem that ObamaCare has created. Again, I think it is completely irrefutable. We know if you as an employer hire a 50th employee, you are suddenly subject to all the mandates of ObamaCare. That means the costs of health insurance for your workforce go through the roof. It creates a huge incentive not to hire the 50th employee. That is a terrible incentive to have, especially at a time when we have too few people working and we have inadequate wages. Yet this provision guarantees that it will be more difficult to get a job with a company that has 40-some employees.

In addition, ObamaCare puts pressure on employers to cut back on hours for workers because you are deemed to be a full-time worker if you work 30 hours or more. One way to deal with that is to have people work less than 30 hours. The problem is, employees want 40 hours. They want a normal workweek. But they can't get it because of the costs ObamaCare triggers if they were to have it.

Third is the loss of freedom. Again, that is completely irrefutable. If you had a plan you were happy with, if you had a plan that worked for you and your family, if it was the right mix of benefits, premiums, and deductibles for you and you wanted to keep that plan, well, good luck—you can only keep it if the government approves of it. So now we don't have the freedom to have the health insurance plan we want. We are forced to buy the health insurance plan the government dictates we should have whether we like it or not. What an egregious affront to the personal freedom of Americans to decide what is right for them and their families.

The last thing I want to point out is a very fundamental structural flaw in the model of ObamaCare—yet another reason why this needs to be repealed—and that is, this bill was designed with the idea that young and healthy people would buy health insurance through ObamaCare at an inflated price. Of course, in addition to dictating what is in a health care plan, ObamaCare dictates pricing as well. The theory was, what we will do is we will have all these expensive mandates, but we will force this category of people who tend to be younger and healthier—we will force them to pay more than it costs to actually insure them, and that is how we will subsidize coverage for people who are older and need more health care. There is only one small problem with that; that is, the younger and healthier people figured out pretty quickly that they are being forced to buy a product that doesn't suit their needs very well and they are forced to pay more than it is worth. So guess what. They are not doing it. And ObamaCare is falling short by millions on the number of these younger, healthier people their model depended on.

What is the result of that? Insurance companies are left insuring a population that therefore tends to be older and sicker. That costs more. When insurance companies lose many millions of dollars, which is what they have been doing, they go back to ''We have to raise premiums even further.'' That creates an even more powerful incentive for younger and healthier people not to buy the product. What started off as overpriced is now even more overpriced for them. This is known in insurance terms as a death spiral, this downward spiral whereby it becomes impossible to have a viable continuation of these insurance policies, because, increasingly, the only people who will buy them are the people who are very sick, and people who are relatively healthy are priced out of the market.

This explains why half of all insurance co-ops in America have already folded. Many seem to be heading in the same direction. A year from now, I doubt there will be many co-ops remaining. This also explains why, increasingly, insurance companies are simply saying: We are going to have to consider getting out of this market altogether. We are going to have to consider simply not participating in ObamaCare.

What does that mean for Pennsylvania families? It means they are going to be out of choices. If there are no insurance plans being offered through this exchange because the whole dynamic doesn't work, then how are my constituents going to get health insurance? This is the problem when the government steps in and tries to take control over an industry—in this case, something so important and so personal as our health care.

This is a fatally flawed piece of legislation. Americans have been living through its disastrous consequences in the form of losing the health care plans that they want, that they valued, that they chose; experiencing much higher premiums, higher out-of-pocket costs, and higher taxes on the costs they do incur; and fewer jobs and less hours for those who are employed. Now, in addition to all this, we see what I think is the relatively early stages of this death spiral that is going to result in probably a pretty massive exodus from this market.

It is long overdue that we repeal this legislation. I am very glad we will be able to consider this over the next day or so. I urge support for my amendment, which would restore the ability of people facing catastrophic costs to have the deduction they were able to have before ObamaCare, and I urge adoption of this repeal legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. PERDUE. Mr. President, I rise today to speak about a massive expansion of government that was fundamentally flawed from the start: the Affordable Care Act, better known as ObamaCare.

In the past 100 years, we have had three supermajorities, all Democratic. The first gave us the New Deal; the second, the Great Society; and the third gave us ObamaCare and Dodd-Frank. In many ways, these progressive, sweeping government spending programs have failed the very people they claim to champion: the working men and women of America. Together, they come at a massive expense to taxpayers and still continue to add to the Nation's debt crisis.

Right now, this law is saddling Americans with more than $1.2 trillion of new taxes over the next 10 years. In my State alone, ObamaCare is costing taxpayers over $2.7 billion over the next decade. The Senate's actions this week will help reverse the harmful effects of ObamaCare and remove the law's burdensome taxes on American families.

When I am back home in Georgia, one of the most frequent and sobering concerns I hear about is the insidious, negative impact of ObamaCare—whether it is reduced hours, increased premiums, increased deductibles, or just the mere fact that they can't get the doctor they want. I hear this more than any other complaint about what is going on in Washington today.

By enacting this law, President Obama and Washington put our health care system—almost one-sixth of our total economy—under government control, and the consequences are disastrous. ObamaCare has driven up the cost of health care. In addition, premium costs and deductible costs are also up, precluding many Americans from even applying for coverage. The law has eliminated health care choices, forced rural hospitals out of business, created a doctor shortage, and failed to live up to the expectations promised to the American people by the Obama administration.

First, Georgians are seeing their health care costs double. Just this

week a headline on the front page of the Atlanta-Journal Constitution read ''Health care costs on the rise in 2016'' and ''Some Affordable Care Act plans seeing double-digit hikes.'' The article went on to describe the peril of a Georgia family who plans to cancel their insurance plan because it is no longer affordable for them. And this family is not alone. As we just heard in the prior speech, deductibles have risen to a point now where people can't afford the health care plan that was picked for them.

In Georgia, premium increases are expected to range from 27 to 29 percent for Alliant Health individual policyholders, and the problem could only get worse as more insurance companies exit the ObamaCare exchange program. And deductibles are increasing seven times as fast as wages are increasing.

Last week, UnitedHealth Group—the largest health insurance company in the country—announced it is considering dropping out of ObamaCare because it is losing so much money and the marketplace doesn't appear to be sustaining itself. As a matter of fact, yesterday, UnitedHealth CEO Stephen Hemsley even admitted that joining the ObamaCare exchange was ''for us a bad decision.'' He went on to say, ''We did not believe it would form this slowly, be this porous, or become this severe.''

Washington cannot overlook this warning. Like my wife Bonnie and me, many people have already had their plans canceled—no matter what the administration said. They said: If you like your policy, you can keep your policy; if you like your doctor, you can keep your doctor. I can personally tell you that did not happen. A lot of people have lost access to their preferred doctors or were forced into insurance plans that cost more, not less—dramatically more. If UnitedHealth Group—the largest player in this space—exits, Americans will only have less choice, not more.

Aside from driving up health care costs and limiting insurance options, ObamaCare is forcing rural hospitals out of business as well. Since 2010 alone, five rural hospitals in Georgia have closed, and there is a possibility for more in the immediate future. Across the country, more than 50 rural hospitals—this is incredible—have closed just since 2010, and more than 280 are in danger of shutting down. Each closure eliminates local jobs and Americans' access to health care.

Additionally, given the growing aging population, ObamaCare is contributing to a dangerous doctor shortage. The Association of American Medical Colleges is predicting a shortage of as many as 90,000 doctors by 2025.

Another survey by the Physicians Foundation found that 81 percent of doctors describe themselves as either overextended or at full capacity, and 44 percent have said they plan to cut back on the number of patients they see. They may even retire and/or work part time. This further reduces access for people who need medical care.

Finally, the Obama administration's promise of greater access to health insurance has proven to be totally misleading. In fact, now almost half of health insurance co-ops created under ObamaCare have collapsed due to their failing financial performance. This has resulted in hundreds of thousands of Americans scrambling to find sustainable health insurance for their families, and the ones who do find it can't afford the deductibles that, as we said, have risen dramatically.

President Obama promised that his massive restructuring of the health care industry would give more people insurance. In reality, the law continues to disrupt Americans' health care at every turn, while failing to cover anywhere near as many people as its supporters predicted.

I am counted as one who signed up for ObamaCare. I didn't have a choice. My plan was canceled. My access to my doctor was eliminated. I had no choice. But I am counted, as a statistic, as one who signed up for it.

Make no mistake—our health care system needs to change. But one thing is clear: ObamaCare is ill-conceived law and is hurting people and our economy. It must be fully repealed and replaced. Georgians and Americans want access to affordable health care options and transportability across State lines. People want to keep their health care decisions between themselves and their doctors and not have to go through a bureaucrat.

These are commonsense health care policies we can debate now that would lower costs, increase accessibility and transportability, and restore the sacred doctor-patient relationship. It won't be easy, but it is achievable. We need to start debating replacement plans now. There are alternatives to Washington taking over our health care system, almost 17 percent of our economy.

Today, for the sake of our kids and our grandkids, we are taking a very important step to repeal ObamaCare and stop government-mandated insurance. We are also removing Washington's tax on the very medical devices patients and doctors rely on to deliver quality care.

It is quite clear that this law was flawed from the very beginning. The Web site failed, access went down, deductibles went up, and premiums are still skyrocketing. The Obama administration is in total denial, and they misled the American people and failed to live up to the promises made during campaigns and afterward. What further evidence do we need to realize this law—this sweeping expansion of the Federal Government that pushes more tax dollars to Washington—is not working?

In order to solve our debt crisis, we absolutely must fix this health care crisis, which is why the Senate is eliminating ObamaCare's fines on individuals and businesses and finally sending this broken law back to the President's desk.

Today is a momentous day. This week we will actually have this vote. I urge my colleagues to put partisanship aside and do what is right for the people of America.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Delaware.

Mr. COONS. Mr. President, I ask unanimous consent that following my remarks, the Senators from Connecticut and Ohio be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

TRIBUTE TO FRED SEARS

Mr. COONS. Mr. President, I rise to recognize a close friend from Delaware, Fred Sears, a community leader and a passionate advocate for all in our community, a man whose name is synonymous with business leadership and public service in my home State of Delaware and a man I am proud to call my friend. Fred is known statewide for his generosity, his enthusiasm, and his business acumen. For decades, his impact has been felt by elected officials, nonprofit, community leaders, and countless Delawareans of all backgrounds and careers. He is a true leader, an authentic champion of the community, and the embodiment of what service means in Delaware.

Fred Sears is a Delawarean through and through. He was born blocks away from his boyhood home at what was then called Wilmington Hospital, and he grew up across the river from Brandywine Zoo. This Delaware native attended Mt. Pleasant Elementary, Aldred I. DuPont Junior High, and Wilmington Friends for high school. Fred went on to earn a business degree from the University of Delaware. He had a great deal of fun, including a truly memorable spring break trip to the Bahamas with JOE BIDEN, his classmate and friend.

After graduating from UD in 1964, Fred began a nearly 40-year career in banking. Fresh out of college, Fred was scheduled to interview for a job with the Bank of Delaware but accidentally walked into Delaware Trust instead. Fortunately, Delaware Trust was also hiring. After starting as a management trainee, he rose to become the institution's first vice president of business development. From there, Fred went on to later work at Wilmington Trust, then Beneficial National Bank, and ultimately Commerce Bank, where he was Delaware market president.

While Fred was widely known as a leader in our financial services industry, he found many other ways to serve our community as well. Early in his career, Mayor Tom Maloney asked his friend Fred to take a leave of absence from Delaware Trust to serve as the city's director of finance and then later as director of economic development. Fred not only fulfilled those two roles terrifically, but decided afterward to run for an at-large city council seat in

1976. Fred won and went on to serve two full terms.

Many of us in younger generations in politics after Fred's elected service have called on his wisdom, his insight, and his ability to bring people together as we had important decisions to make. Fred served on the transition teams of Wilmington Mayor James Sills, Delaware Gov. Ruth Ann Minner, and co-chaired my transition team after I was elected New Castle county executive in 2004.

For many of us, decades of success in finance, business, and politics might be the hallmark of a complete and successful career, but for Fred these experiences were just a few of the ways he fulfilled a lifelong passion for service in our State of Neighbors.

Just over 13 years ago, while Fred was at Commerce Bank, our mutual friend Jim Gilliam, Jr., called Fred one day and said to him: I have a job for you. After some convincing, Fred accepted the job. Since then, he has served admirably at the helm of one of the most important organizations in Delaware—the Delaware Community Foundation. The DCF plays an integral role in my home State, helping local nonprofits direct philanthropy to Delaware's most worthy causes and encouraging long-term charitable giving to improve our State. Since Fred began as CEO in 2002, the DCF has tripled its long-term charitable funds. It built its assets to $285 million. Dozens of nonprofits and community funds have flourished under Fred's leadership. He and his team and their astute financial guidance continues to generate the funding that enables them to serve. Fred didn't join the DCF, though, just to raise money and to be important and recognized; rather, he sought to improve the entire philanthropic community and the quality of community life in Delaware. His success in doing so reflects his values and his vision.

Fred is a true leader: honest, insightful, thoughtful, creative, positive, and confident. Fred possesses that rare quality, the ability to inspire others. He has used his passion for service to motivate the next generation of great leaders in our State. Take one of Fred's many initiatives called the Next Generation. It is one he is most proud of and justifiably so. Next Gen takes groups of civic-minded young professionals, with limited or no experience in philanthropy, and with just the right amount of guidance and encouragement, helps mold them into nonprofit board leaders. Since 2004, Next Gen's chapters up and down the State have helped direct over $300,000 in grants to community needs all over my home State of Delaware.

My good friend Tony Allen, who also calls Fred a mentor and a friend and a brother, tells a story of how Fred helped establish the African American Empowerment Fund. The fund today is known as the Council on Urban Empowerment, and it promotes philanthropy that supports educational, social, and economic empowerment of African-American Delawareans. As Tony notes, Fred didn't just help establish the fund, he wasn't just one of its first donors, he attended every meeting of the group.

In 2010, Tony introduced Fred when Fred Sears was set to receive an award for nonprofit leadership. As Tony put it then, while patience is a virtue, impatience is a weapon—and Fred can be appropriately impatient. Fred doesn't demur to what others would call insurmountable tasks or taboo topics of conversation. He takes every opportunity to constructively push the status quo. Tony is absolutely right. Given that legacy of leadership, it is no surprise Fred has been honored by countless organizations for his business and community efforts. He has received the Lifetime Achievement in Philanthropy Award from the Association of Fundraising Professionals. He has been given a Distinguished Service Award by the Wilmington Rotary Club. He has been deemed a Superstar in Business by the Delaware State Chamber of Commerce and was named Citizen of the Year by the Delmarva Council of the Boy Scouts of America.

Those awards and merits are certainly a reflection of Fred's values and his many successes, but those of us who have had the privilege to work closely with Fred and to know him know that his commitment to service shines most brightly in the hundreds of interactions he has with Delawareans every day, whether he is offering ideas or advice or saying a quick hello.

We know that even though Fred is leaving the Delaware Community Foundation, he will undoubtedly continue to serve the community he loves. In fact, Fred just accepted an appointment from Governor Markell to chair Delaware's Expenditure Review Commission, suggesting Fred has no intention of taking retirement literally.

In a testament to Fred's thoughtfulness, leadership, and sense of compassion, just a day after the passing of our beloved friend Beau Biden earlier this year, Fred spoke to the Bidens and offered to help the family establish an organization in Beau's name. That idea became the Beau Biden Foundation for the Protection of Children. Two days after it was launched, they had already raised over $125,000.

If this is all there was to Fred's story, it would be a remarkable one, but there is even more to Fred as a businessman, philanthropist, and a person. If you speak to those who have been around him the longest, they will tell you his true passion is his family: his wife JoAnn, his son Graham, his daughter-in-law Kathryn, his son Jason, his daughter-in-law Jen, and his treasured grandchildren, Kylie, Paxton, and Charlie. I have no doubt Fred's retirement means he will be spending a lot more time as Pop Pop to his three treasures, becoming even more of a fixture at their frequent school functions and baseball and soccer games.

Fred's friends and family will also tell you how much he adored his mother Marjorie, visiting her daily at Stonegates until her passing, and how much he cares for his father-in-law today. They will tell you that Fred loves dancing, snappy suspenders, and vinyl records.

Fred's friend Tom Shopa will tell you about Fred's passion for golf and how for decades he has kept track of all of his golf scores, the number of putts he made, the weather that day—recording every single detail just as his father did.

Friends and colleagues will tell you that they hear Fred say thank you dozens of times every day. Today I pause for a moment on the floor of this great institution to say thank you to Fred. Thank you for giving your time and talents, over decades, to more than 40 community nonprofit organizations, for serving on countless boards from Christiana Care to Rodel Foundation, from the Wilmington Housing Partnership to the United Way. Thank you for your decades of service to Wilmington and Delaware, for your lifelong commitment to family, friends, and community.

Fred, as our friend Tony Allen puts it, everyone in Delaware is better off because of your efforts. Thank you, Fred Sears, and congratulations on many jobs well done. I eagerly look forward to seeing where your so-called retirement will take you next.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, 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. MURPHY. 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. MURPHY. Mr. President, I am on the floor to speak to the debate that is happening now on reconciliation, specifically, the fact that we are here for the 16th time in the Senate debating the repeal of all or significant parts of the Affordable Care Act, and stack that on top of the 50 to 60 times this has been debated—the repeal of all or major parts of the Affordable Care Act—in the House of Representatives. As many of us have said over and over, we think the debate over repeal is over and that we should, A, accept the success of the Affordable Care Act and, B, to the extent that there need to be changes made, do it on a bipartisan basis—find the ways we can work together to try to perfect a law that is by and large working.

The data only tells one story. I want to review it for a moment because if you hear many of my Republican colleagues talk, they act in the absence and in the denial of the overwhelming evidence that tells you the Affordable Care Act is working. There are 17 million Americans who have insurance

today who didn't have it before the Affordable Care Act. They have gotten it either through these exchanges, these private health care exchanges with a tax credit from the Federal Government or they have gotten it through Medicaid expansion.

We have reduced the number of people without health care insurance in this country by 30 percent in the few first few years of implementation. That is with many States doing everything they can to undermine the act. That is with many States refusing to accept the expansion of Medicaid coverage that could make that number even greater than 17 million or 30 percent.

In my State of Connecticut, where we have been aggressively trying to implement the Affordable Care Act, we have actually reduced the number of people without insurance by 50 percent. The total numbers in Connecticut are pretty extraordinary, given the short amount of time we have had and given the fact that in Connecticut we had a pretty robust Medicaid Program to begin with.

Overall costs to the Federal Government are under control for the first time in many of our lifetimes. The average medical rate of inflation to the Federal Government is about 2 or 3 percent. The overall rate of medical inflation is the lowest since 1960. That is because the Affordable Care Act is transitioning payments away from volume-based payments, rewarding you for the more medicine you practice, to outcomes-based payments, rewarding you for keeping your patients healthy.

Quality is getting better. You look at a broad array of metrics. Things such as hospital readmission rates or hospital acquired infections are all going down. Let's be clear, the Affordable Care Act was not designed to fix every single problem in the health care system. There are still going to be problems, there are still going to be anecdotal failures, but if you are working to undermine the act in your State, you are going to have more problems with your health care system.

When I hear my colleagues come down to the floor of the Senate and complain about hospitals closing in their State, when their State is actively rejecting Federal money that would help expand Medicaid and provide more people walking into hospitals with reimbursement attached to them, there is more than a hint of irony to that complaint. If you want your health care system to work, then implement the Affordable Care Act.

AMENDMENT NO. 2875

Senator JOHNSON is offering an amendment which could be of particular harm to the people in my State and in neighboring States. His amendment would allow for plans that don't comport with minimum coverage requirements of the Affordable Care Act to continue to be offered.

Before I relinquish the floor, I wish to speak for a moment about this particular amendment. There is a little boy named Kyle from Simsbury, CT, whom I have talked about before on the floor. Kyle requires injections that cost about $3,000 per dose, and he has to take them three to four times a week for the treatment of a blood disorder. Because his previous insurance plan had an annual lifetime limit, his treatment threatened to bankrupt his family. That fear is no longer a reality for his family because the Affordable Care Act says if you want to offer an insurance plan in this country, it has to be a fair plan. It can't have annual or lifetime limits, and it can't charge you more because you are a woman. It has to cover basic medical necessities, such as maternity coverage.

The requirement of having insurance plans provide actual insurance that doesn't discriminate against a person based on their medical history or gender not only allows people to have access to health care they didn't have before, but it has given millions of families like Kyle's family peace of mind.

The Johnson amendment would take that peace of mind away from millions of families by allowing for plans to go back on the market throughout the country—plans that would cap coverage on an annual or lifetime basis and that could once again discriminate against you based on your gender or medical history.

There may be a lot of parts of the Affordable Care Act that people support or don't support. But the one thing that the people of all parties have generally supported is the idea that we should put patients and consumers back in charge of their health care, instead of the old days when the insurance companies were in charge and would tell you that you have insurance, but then halfway through the year, just because you used a lot of it, yank it away from you.

There are a number of reasons why we should reject this specific amendment, but on behalf of the millions of families like Kyle's out there that don't want to go back to a world in which their insurance companies could take away their coverage just because they needed it more than other families, their stories alone are example enough to reject this amendment.

I hope that we can move on from this debate and try to work together—Republicans and Democrats—to perfect the Affordable Care Act and that we can get beyond this perpetual, ongoing, never-ending debate about repeal. Specifically, with respect to the Johnson amendment, let's think about all of those families that have been jerked around by insurance companies for far too long and need relief that the Affordable Care Act has given them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I wish to add to the comments of Senator MURPHY in opposition to that amendment. I wish to also to point out that one of the previous speakers bemoaned the number of hospitals that have closed in his State over the last 10 years. I bemoan them too. I also know that more of those hospitals would have closed if the Affordable Care Act hadn't passed. More of those hospitals would have closed if, in States like mine, the Governor didn't expand Medicaid.

We know that in States where rural hospitals have closed—particularly if there was a Republican Governor—the hospital association and many, many, many health care providers of all kinds, including nurses, physical therapists, and others, asked the Governor of that State to expand Medicaid so these hospitals could stay in business and keep serving rural people. This issue is not just about the rural poor people in South Carolina, but rural middle-class people who had insurance and were paying, but those hospitals couldn't stay open because they didn't have the revenues coming in. If Governors from those States had actually expanded Medicaid—as was the intent of the Affordable Care Act—instead of scoring political points, many of those hospitals would not have had to close.

I thank Senator MURPHY for his efforts.

Mr. President, I come to the floor to talk about an amendment that I will not offer at this time but will probably offer later today about Medicaid—again, to help perfect the Affordable Care Act.

Since the passage of the health law, Medicaid expansion has helped 600,000 Ohioans—many for the first time in their lives—in my State have health coverage just because of Medicaid's expansion. That is why the amendment I will offer will permanently extend the Medicaid expansion Federal matching rate at 100 percent. Some Governors—I think a bit disingenuously, but at least they are saying it—didn't expand Medicaid because the States will eventually have to pay up to 10 percent, even though the State gets all kinds of economic benefits, not to mention the humanitarian concerns that it addresses. Nonetheless, my amendment will make it 100 percent—no more excuses, first of all, to refuse to expand Medicaid.

At a time when some are looking to halt support for Medicaid, we should be increasing that support. Since its enactment in 1965, Medicaid served as a lifeline for millions of Americans ranging from children and pregnant women to seniors who almost certainly would otherwise not afford nursing home care without it.

Thanks to the Affordable Care Act—while my colleagues on the other side of the aisle are attempting to dismantle it—States now have the option to expand Medicaid the way Governor Kasich, the Republican Governor of my State did, including nonelderly adults without children. Thirty States, including the District of Columbia and, as I said, my State of Ohio, have taken up Medicaid expansion, and it has obviously mattered to a whole lot of people.

Federal Medical Assistance Percentages, which determine how much the Federal Government will pay for covered services in the State Medicaid programs, were increased for States that chose to expand their Medicaid under the Affordable Care Act. Under the health law, States that expand their Medicaid programs receive an enhanced Federal reimbursement for the costs incurred by newly eligible enrollees. That matching rate will phase down from 100 percent to 90 percent in 2020.

My amendment would make the enhanced FMAP, the Medicaid expansion reimbursement, permanent. It is paid for by closing corporate tax loopholes. States that have expanded Medicaid have experienced significant drops in the number of uninsured. They have realized budget savings and cut the cost of uncompensated care for hospitals.

The number of hospitals I have visited recently, including the hospital in which I was born, Medcentral in Mansfield, are bringing in more patients who are paying because of Medicaid and the Affordable Care Act and fewer patients for which they are uncompensated, thereby having to cut costs a little bit less and making that hospital easier to manage. Too often hospitals have to cut patient services when they have to cut their costs.

We should continue to support States that have done right and expanded access. We can do this by maintaining their current FMAP rates. This policy will provide States with financial security. It will free up State Medicaid budgets to address other Medicaid needs, such as increased access to mental health services or the higher costs of prescription drugs. With millions of Americans falling into the coverage gap in nonexpansion States—those couple of dozen States that have refused to expand Medicaid even though the Federal Government pays for almost all of it—this policy is likely to help encourage expansion of Medicaid in those States.

As I said, Ohio is one of the first States to accept Federal funds. I thank Governor Kasich, the Republican Governor of Ohio, for doing that. Without expansion, Ohioans would have fallen through the cracks by making too much for traditional Medicaid but too little to qualify for subsidies in the insurance marketplace. Now these individuals, including 600,000 in Ohio, have affordable coverage.

I don't understand how people who represent my State in the House or Senate can vote to repeal the Affordable Care Act when they have 600,000 people in Ohio who have insurance—and that is just the Medicaid part—let alone the hundreds of thousands of others. How can they vote to take away their insurance? Do they know those people? Do they ever look those people in the eye and say: Sorry; I am scoring a political point. I will vote against the Affordable Care Act. Sorry; you are going to lose your insurance, but maybe we will do something down the road to help you.

Under these new provisions, 24,000 Medicaid enrollees in Ohio are being treated for cancer. These include Ohioans like Pamela Harris, the mother of four children. She had no health insurance before the State expanded Medicaid—again giving credit to Republican Governor Kasich—and she found herself having to choose between paying for utility bills or medication. After her first stroke, Ms. Harris was unable to afford followup care and physical therapy, but when she survived her second stroke, her recovery was much better. Why? Because she was eligible for health insurance through Ohio's Medicaid expansion.

There are so many reasons to do this. Mr. President, 2015 marks the 50th anniversary of Medicaid. We should be strengthening the program that provides good quality health insurance to millions of Americans, including hundreds of thousands of people in Wyoming, Tennessee, South Carolina, and my State of Ohio. We should do that and not vote to take it away.

I will offer the amendment later.

I yield the floor and 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.

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

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

Ms. STABENOW. Mr. President, I come to the floor today to speak on behalf of millions of Americans who are very grateful they have health care now under the Affordable Care Act that they didn't have a few years ago.

Looking back over the years, I am reminded of the steps forward that we, as Americans, have taken, starting with Medicare and Medicaid, and how we have helped to lift a generation of seniors out of poverty and ill health because of lack of insurance and not having access to prescription drugs. The majority of Medicaid coverage, about 80 percent, is for seniors in nursing homes.

We are moving forward again and putting in place the ability of people to see a doctor and get the medical care that they need. With the Affordable Care Act, we took the next important step for over 17 million Americans. Moms and dads don't have to go to bed at night anymore and say: Please, God. Don't let the kids get sick. They know they will be able to take their child to a doctor. They know they are going to be able to get coverage and won't get dropped if they get sick, which was happening in too many cases before the Affordable Care Act. Women now know that just simply being a woman is not a preexisting condition, where we were paying twice as much for basic insurance or blocked from certain kinds of care.

I will never forget the debate in the Finance Committee when we included an amendment of mine for comprehensive preventive care, including maternity care for women, and a colleague asked: Why should we cover maternity care? He didn't need maternity care. I reminded him that his mom did, and I reminded him of the importance of maternity care for women and children and those of us who are now adults. So that is now a part of the Affordable Care Act.

Young people are now able to stay on their parents' insurance while looking for a full-time job after they graduate from college. Slowing the growth of insurance premiums is what we still need to do. That is what we should be focusing on today together—to continue to be laser focused in that area as well.

Now, 17.6 million Americans have health insurance coverage. Under the reconciliation bill—the budget bill in front of us—the rug is going to be pulled out from all of them, from millions of Americans. Passing this reconciliation bill will dismantle the framework, the structure for health care for millions of Americans—men and women and children.

It also will do something else. Instead of celebrating health care services that we have had for years—nearly 100 years of preventive health care services—through Planned Parenthood providing essential health services to men and women, particularly in areas that don't have services, such as in rural parts of my State as well as around the country—instead of strengthening those services, what we see is an effort to actually eliminate preventive health care services for women. It seems one more time women's health care is attacked. It takes on all kinds of different forms, but it always ends up with the same thing—challenges to women's health care.

So I am urging my colleagues to vote no on this Republican budget proposal that guts health care for families, that would strip funding for preventive health care, for family planning, and for other preventive health care. Millions will lose their coverage if this passes.

Instead of focusing on this bill, which is essentially something that we know is going to be vetoed by the President of the United States—he is not going to allow that health care coverage to be taken away; he is not going to allow preventive health care services to be taken away. We know what the outcome is really going to be. So this is really a political exercise. I understand that people want to say that they voted to eliminate the Affordable Care Act, to take away health insurance for people, and to stop funding for Planned Parenthood and other preventive health care services. But we all know where it is going to end. First of all, I can't believe that people think it is a good idea to do that, but maybe other States are different than Michigan, where people want to have health care for themselves and their families.

We have in front of us a whole other range of things that are very important to do right now. There is a major effort on a transportation bill that is, in fact—rather than being partisan and divisive as this budget reconciliation is—bipartisan, and we need to move that as soon as possible.

We are working on budget issues and tax policy and other areas where we can work together. The list is long of things the American people want us to get done.

We need to be tackling the affordability of college so that more people have the ability to work hard, get good grades, get accepted to school, and go to college. Instead, here we are debating whether people should have health care in the United States of America.

The bottom line is that according to the nonpartisan budget office, this bill on the whole would increase premiums by roughly 20 percent above what would be expected under current law. So on top of everything, including over 16 million people losing their health insurance, everybody is going to see their rates go up. Merry Christmas, happy Hanukkah, happy New Year—20-percent, on average, increase in premiums.

This reconciliation bill makes no sense. It is bad for the American people. It is bad for women. We ought to be focused on things that actually improve quality of life and continue to improve health care and bring down costs for all Americans.

I hope we will reject this bill and move on to things that make a lot more sense, certainly for families in Michigan and across the country.

I yield the floor.

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

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

Mr. BLUNT. Mr. President, I have listened carefully to the Presiding Officer's comments earlier and the comments of others who have talked about the importance of passing this bill and drawing focus again to the health care plan that is just not working. It is not working. The State exchanges are failing. They are sort of fleeing to a bigger Federal exchange, and the insurance companies are fleeing the Federal exchange as well as the State exchanges. They are moving out of the family market. They are moving out of the individual market.

The biggest health insurance company announced recently that they were likely to abandon this particular process next year. The plan where the insurance companies that had a profit would use some of that profit to offset the loss of other companies isn't working because, as others have well explained, the incentive for young, healthy people to be part of this plan is just not there. The premiums are too high, and the deductibles are too high.

There is no reason to be part of this, and there should be nothing new here. The failures of this plan were almost guaranteed when the House and Senate, under the control of our friends on the other side, decided they were going to pass the bill the Senate passed when there were 60 Democrats here to vote for a bill. It doesn't matter how flawed that bill was. It doesn't matter how many problems were in that bill. It is the only thing we can do, and we are going to do it, and in doing it, we are going to interject a government between not only a whole lot of the economy but between people and their health care.

I have said on this floor before and many other places that somebody told me one time that when everybody in your family is well, you have lots of problems; when somebody in your family is sick, you have one problem.

When the Federal Government decides they are going to help families in ways that families don't want that help, when the Federal Government decides they are going to interject themselves between families and their doctors, families and their health care, families and their insurance company choices, you can't really expect good things to happen.

The anticipation not too long ago was that on the individual exchange, where you go get your own insurance for yourself, there would be 20 million people signed up by the end of last year. When that projection was made, I think there were 14 million Americans on the exchange. Not too many weeks ago, they were back down to 9 million, and the Secretary of Health and Human Services said a better and more realistic goal for the end of 2016 would be 10 million people—exactly half of the number the administration thought would be there 6 months ago. What would be wrong that would cause that to happen? How could you be that far off in how you thought Americans and American families were going to respond to this? You could be that far off by just not listening.

For the first year of implementation of this plan, I came to the floor week after week after week, and week after week after week, I had letters, calls, and emails from Missourians talking about how this was impacting the lives of their families. I have told those stories on this floor before, so I won't tell them again today, but there are hundreds of them multiplied by thousands if you talk to anybody who has talked to anybody about this system.

Interestingly, those calls, letters, emails, and contacts appear to be coming back because people have now decided that this is not as bad as they thought it was; it is worse than they thought it was. The problems aren't as great as they had feared; they are worse than they had feared.

In 2013, Lance called our office. He was very concerned. He liked his coverage. The President said you could keep your coverage, but his coverage didn't conform to the new standards the Federal Government has suddenly decided you needed to have no matter what you thought and the Federal Government has decided you needed to pay for no matter whether or not you could pay for it. So he was told: You can't keep that policy. Well, like so many other things in this law, he was pretty quickly then told: Well, no, we figured out a way that for a year or so, you can keep your policy. So Lance was going to keep the policy, but he found out that for any number of reasons related to this big change in health care, the policy he wanted to keep was $150 more a month than he had been paying for it and the deductible increased by $7,500. So, like a lot of other people, he would have loved to have kept the policy he had before, but none of it made any sense for him anymore.

I received a letter just a few days ago from a friend of mine who runs a business in Kimberling City. In that letter, she mentioned they were 3 or 4 employees short of 50 employees. As employers, they didn't have to do this, but they had always provided group health and life. They wanted to do that again, but in her letter, she said that the prices have skyrocketed and the way companies now feel as though they have to aggregate their employees is much different than it used to be, particularly for older employees, if you are over 47.

Here are some numbers she gave me in that letter. If you are over 52, the increase this year over last year was $2,128. That is the annual increase. That is not the annual premium; that is the annual increase, $2,128.76. If you are 58, the annual increase was $4,599.60. Again, that is not the cost of the policy; that is the increase this year over last year. And if you were 61, the increase was $5,680.20.

This is a company that for years has done everything it could to provide this as a benefit. One, it is clearly a benefit they have a hard time affording, and suddenly it is a benefit that creates a huge obstacle for older workers. Where everybody used to be rated the same, they would rate your group, now they want to rate the individuals in your group.

In our State, in Missouri, the average premium has increased by more than 10 percent. In Kansas City, the increase is 20 percent. The silver plan—not the best plan and not the worst plan—is 13 percent higher. The bronze plan, which sort of meets the minimum standards the administration says you have to have or pay the penalty, is 16 percent higher. That is just 1 year, and this is just your insurance. It is not your higher utility bill that is higher because of another government regulation; it is not your higher this or your higher that; this is just your higher cost of not having to pay the penalty.

Just the other day, Health and Human Services said for the first time ever, the average deductible is over $2,000. There is a little merit to having some of your own money invested in your own health care as you make these decisions, but the average is over $2,000. Many families are now seeing a $5,000 individual deductible with a maximum of two family members, if you happen to have two people sick in the same year. Those same families may be paying $500, $600, $800 a month or more for insurance, so you have your insurance costs approaching $1,000 a month and your deductible of $10,000. For most families, that is just like not having insurance at all. You are writing this check every month hoping nobody gets sick. If you get sick, you might have to write another $10,000 check or more. As a matter of fact, I just mentioned that Lance had the policy where his deductible went up $7,500 as his premium was going up $150.

I spent a lot of time with the hospital community in our State. Over and over again, I said: OK, what is your fastest growing column of bad debt? Over and over again, the answer is people with health insurance. People with health insurance are the fastest growing column of bad debt because the health insurance has a deductible that family can't pay. If the deductible had been $500, you had that discussion: Well, we can do $200 of that, and maybe your mom and dad could help us with half of the other $300, and somebody else would help with the other $150, and we will pay it. But if it is a $5,000 deductible, many families just say: We are never going to pay—we can't pay $5,000. And so the health care provider writes that off.

They are also taxing health savings accounts and flexible savings accounts, which are other tools people were using and using pretty effectively to have that money for a deductible, to have that money to offset things they didn't want to insure against.

This is a system that is simply designed to fail, and there is no news here. There is no news here. Every time I came to this floor to talk about this—and that was many, many times—I explained why the system would fail. Some of the press in my State—at least I remember one column that said: Senator BLUNT is spending way too much time talking about the weaknesses of ObamaCare. This is everybody's health and 60 percent of the economy. It is pretty hard to spend too much time talking about those things.

The other thing we constantly hear is that there were no alternatives. Let me quickly list those, and I am going to then yield the floor to others.

The things that could have been done and still could be done, things that were proposed even though we constantly hear ''Well, there were no other ideas out there''—there were lots of ideas out there. Expand health savings accounts. Let those accounts be used for long-term care or long-term care insurance. Let small businesses join as a group. Let young adults stay on the policy longer. Liability reform, fair tax treatment, and buying across State lines are the kinds of things that could happen. Prohibit policy cancellation. Use what were very strong high-risk pools—expand those so that people with preexisting conditions could never be shut out of the insurance market. All of that fell on deaf ears, and now all we hear is that there were no other ideas, this is the only idea. This is a plan that is not working.

I urge my colleagues to vote yes on this bill that puts the responsibility right back where it belongs—on the President's desk.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, you just heard my colleague from Missouri talk about many of the things that could be used to replace ObamaCare. There were a lot of ideas that make sense when it comes to health care in this country, that put patients and consumers more in charge of their health care decisions, and that create more competition and allow market forces out there to work to drive health care prices down, which is the exact opposite of what we have with ObamaCare.

For those who suggest there aren't other ideas out there, you just heard the Senator from Missouri go through a quite lengthy list of ideas that could be incorporated into a replacement for what has been a disastrous piece of legislation for the American people. The reason for that is because after 5 years now, one thing has become abundantly clear; that is, ObamaCare just isn't working. It flat isn't working. It is not lowering premiums, it is not reducing health care costs, and it is not protecting access to doctors or hospitals.

Instead, Americans are paying more for their premiums. The average cost of a family health care plan has risen to $17,545 a year up from $13,770 in 2010. That is nearly $4,000 a year in additional costs that the typical family in this country is having to contend with.

In addition to paying higher premiums, Americans with job-based insurance are also facing increased deductibles. The situation is also bad on the ObamaCare exchanges. Premiums on the exchanges will rise once again this year, with many Americans facing rate increases in the double digits.

Then there are the tax increases Americans are facing as a result of the law. While the Obama administration did its best to hide the true costs of the law, the truth is ObamaCare implements almost a dozen new taxes to the tune of $1 trillion. American families are going to face an average of $20,000 more in taxes over the next 10 years thanks to ObamaCare.

Now, I could go on. I could talk about the failing co-ops, the failed exchanges, the taxpayer dollars the law has wasted and much, much more. But today I would like to take just a few minutes to talk about the people behind those statistics—the individual Americans who are struggling under the tremendous burden ObamaCare has imposed. Over the past 5 years I have received numerous letters from constituents sharing the pain ObamaCare has caused them. I want to highlight just a few of the most recent.

I had a constituent of mine from Hill City, SD, write to tell me:

> My premium is going from $624.16 a month to $1,054.42 per month, an increase of 68.93 percent. My wife's premium is going from $655.70 to $1,083.41 per month, an increase of 65.23 percent. I was under the assumption that the new Affordable Health Care Act was to be just that, affordable. How can a yearly bill of $25,653.96 be affordable to a retired couple?

That is from a constituent in Hill City, SD. Another constituent in Aberdeen, SD, wrote to share a similar story:

> We just received our rate increase for our family health insurance. We have been paying $1,283.81 a month and the $557.45 increase will bring it up to $1,841.26. This amount has gone from 26 percent to 37 percent of our income. . . . After having insurance coverage for the past 38 years, we are faced with dropping coverage, which is ironic since that is not the purpose of the Affordable Care Act. We are considering dropping insurance and facing the penalty just so we can continue to live in our house, pay the bills, and buy groceries.

Another constituent from Redfield, SD, wrote to tell me:

> My current monthly premium is $863.12. The monthly change in my premium is $470.67, making my monthly premium a hefty sum of $1,333.79. I think this is outrageous.

Again, this is from a constituent in Redfield, SD. She continues to say:

> I know I am not the only one facing such enormous premium increases. My son, who is married and has two small children, received notice that his monthly premium will increase $495, making his monthly premium $1,571.

Well, unfortunately, she and her son are far from the only ones to face such enormous premium increases. A constituent in Sioux Falls, SD, is facing a 50-percent premium increase. The premium of a Deadwood constituent is increasing by 47 percent. A constituent in Milbank is facing a 62-percent premium increase. As I mentioned above, a constituent in Hill City is facing an increase of almost 69 percent.

More than one constituent has written to tell me that his health insurance costs more than his mortgage payment—more than a mortgage payment. One constituent told me she and her husband would have to pay 60 percent of their income to insure themselves and their four children—60 percent of their income. Think about that. If any more evidence was needed to demonstrate ObamaCare has failed, that should be sufficient.

The Affordable Care Act may have been a well-intentioned law, but it has failed to achieve its objective. Not only has it failed to make health care more

affordable, but it has actually driven up health care prices to unthinkable levels for far too many Americans. South Dakota families cannot afford 50-percent premium increases or health insurance payments that are double their mortgage payments. No family can afford that—no family anyplace in the country.

It is time for Democrats to stop defending this broken law and to work with Republicans to repeal it and to begin building a bridge to real health care reform for hard-working families across the country. The legislation before us today would do just that. It would give us that opportunity to move away from a health care plan that has failed, that has led to higher premiums and higher deductibles and higher copays and higher out-of-pocket costs and constructed networks where you can't get access to the same providers you perhaps could in the past. So the whole idea that if you like your health care, you can keep it is just not reflected in reality for most Americans.

The promises that were made have been broken. This health care law is a failed law. We can do much better by the American people, if we have that opportunity, but it starts with repealing this bad law and starting over and putting in place a health care system for this country that creates more affordable, more accessible health care for more Americans. I hope our colleagues here in the Senate will join together on both sides of the aisle and repeal this bad law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise in opposition to the ObamaCare legislation we are dealing with today and in an effort to repeal. I join my colleagues in calling on the President to work with us to reform this very badly written law.

By any objective measure, the President's health care law is a disaster. Six years ago, at Christmas time, I was here on this floor as we held the final debate and held the final vote, after nearly a year of trying to stop this legislation from being forced into law. Unfortunately, it was passed in the most partisan and misguided way on a straight party-line vote after virtually every serious effort to amend it and repair it had been rejected outright.

Since that time, the American people have felt the impact of the law. Thirty of the Senators who forced it through this Chamber no longer serve in the Senate any more. I don't believe this legislation could pass again were it brought before us. Those of us who fought over it at that time raised a number of concerns and warned the American people that this proposal would result in widespread dislocation of the American health care economy, that it would increase taxes on nearly everyone, force people from health insurance plans and doctors whom they have and whom they like, push up premiums and out-of-pocket expenses, cut Medicare services, and, finally, undermine the employer-based health insurance program and market that so many people and families rely upon.

Unfortunately, time and again, we have been proven right. In truth, today we see that the situation is much worse than even we said it would be. The President not only managed to mangle the 2013 rollout of the ObamaCare exchanges, but he repeatedly has delayed key parts of the law because of the entirely predictable problems that have arisen and made selective interpretations of the law necessary to advance the administration's political interests.

The President, or a top administrative official, stated 37 times: ''If you like your health care plan, you can keep it.'' These included numerous national townhalls and weekly Presidential addresses. This statement proved to be PolitiFact's 2013 ''Lie of the Year.''

Since those statements, millions of cancellation notices have been sent out to Americans across this country, including over 100,000 in Idaho alone in 2013, rendering meaningless the President's oft- repeated pledge.

In January, CBO updated its estimate of the effects of the health care law, indicating that over 10 million individuals will lose their employer-based health care coverage by 2021. Further, CBO estimates the law will leave 31 million people uninsured, up from its original 2011 forecast of 23 million people.

We are also learning that the health care Consumer Operated and Oriented Plan Program—the CO-OP program—is failing nationally, despite receiving over $2 billion in taxpayer bailouts. Today, over half—12 of the original 23 public co-ops—have failed. Between October 9 and October 16, 4 co-ops announced they would not offer health insurance in 2016, leaving 176,000 patients scrambling to find a new plan.

The President is also annually faced with the reality of rising premiums and out-of-pocket expenses for health insurance plans. What is his line of argument? He again tries to lower expectations, saying that these costs are not as bad as they initially were projected to be, even though they are still going up.

Throughout the 2008 Presidential campaign, then-Senator Barack Obama repeatedly promised that his health care plan would bring down premiums by as much as $2,500 for the typical family. As President, he continued to make this claim, even after studies demonstrated that the opposite would occur. The truth was that the opposite did occur. Health care premiums have skyrocketed.

For the most recent open enrollment period, the average premium increase for the midlevel silver plans on the Federal exchange is 7.5 percent, more than triple last year's increase. In Idaho, which operates a State exchange, the average premium increase for a Blue Cross of Idaho plan is 23 percent. The average premium for a Regence BlueShield of Idaho plan is 10 percent. And the average premium increase for a SelectHealth plan is 14 percent. This is after year after year of increasing health care premiums.

What is the justification from the insurers? This is the first year prices are based on post-ObamaCare patients, enrollments costs, and mandates. Premiums are skyrocketing.

There are better solutions. To address the increasing costs and decreasing choices, the bill we have before us today eliminates the individual and employer mandates so Americans can once again choose the plan that fits their health care and budget needs.

It also repeals the taxes on employer contributions to flexible spending accounts and expands the availability of health savings accounts, FSAs, and health reimbursement accounts. These accounts are central to a consumer-driven health care system.

But it is not just premiums that are increasing. People are facing higher deductibles and copays as well, sometimes thousands of dollars higher than before. For the lowest cost ObamaCare plans in 2016, deductibles have increased by 10.6 percent for individuals and 10 percent for families.

Let me give just a couple of examples from constituents in Idaho. Daniel from Meridian, ID, recently contacted my office to explain why he and his family are uninsured for the first time in their lives. Daniel is employed and the sole provider for his family. His employer offers health coverage, but the estimated cost of premiums for his family would be over $900 per month. He chose to purchase insurance from the exchange but decided the coverage was not worth a $500-per-month premium and an $8,000 deductible. That is right, an $8,000 deductible.

Daniel is not the only constituent who has contacted my office about the so-called family glitch—an unfortunate but not uncommon flaw in ObamaCare that has left millions of Americans families uninsured.

Bill from Boise, ID, is a small business owner. He purchases his own health insurance and provides coverage to his 45 employees. He saw his premiums increase by 7 percent in 2014, by 12 percent in 2015, and was recently notified by his insurance company that premiums will increase by 25.6 percent in 2016. Bill says these increases, in addition to other regulations and mandates coming from the government, will likely cause small businesses to close their doors.

Lane from Melba, ID, experienced his premiums increase to over $900 per month for his family. Even without preexisting conditions, his plan includes a $3,500 deductible. These cost increases come as individuals are paying more in taxes also as a result of ObamaCare.

People may recall that at the time of the debate, the President stated again and again:

> I can make a firm pledge . . . no family making less than $250,000 will see their taxes increase . . . not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes. . . . You will not see any of your taxes increase one single dime.

Well, when we debated the bill we pointed out that there was over $1 trillion—maybe close to $1.5 trillion—of new taxes, most of which were going to fall squarely on the middle class. Yet, during consideration of ObamaCare, the nonpartisan Joint Committee on Taxation sent me a letter confirming that there were at least seven specific tax increases in the bill which would raise taxes on middle-income American families.

According to CBO, ObamaCare will cost taxpayers more than $116 billion a year in taxes. The average American household can expect to pay more than $20,000 in new taxes over the next 10 years. In Idaho, my constituents will pay $360 million more in taxes over the next decade, or $6,055 per household.

The legislation we are considering today will solve this problem as well. It will eliminate more than $1 trillion in tax increases and save more than $500 billion in spending. And for all of the additional burdens, mandates, and costs, consumers are finding narrower insurance networks and limited plan offerings. In its recent Notice of Benefit and Payment Parameters for 2017, CMS actually stated that an excessive number of health plan options makes consumers less likely to make any plan selection and that standardized options are needed to provide consumers the opportunity to make simpler comparisons. This means these standardizations will once again mandate that insurers offer consumers fewer options.

To sum up, millions of Americans are being forced from plans they like and the doctors and hospitals they know. They face higher premiums and higher deductibles and out-of-pocket expenses, they navigate one of the least customer-friendly Web sites ever designed, they are obligated to share personal and sensitive financial information through a network that hackers have called a gold mine for thieves—and, which is managed by the IRS—and, in return, they are paying higher taxes and seeing Medicare benefits cut.

It is time that we in Congress place on the President's desk a solution, a repeal of these onerous and misguided health care policies and a reform of our health care system that will help move us to achieve the true objectives that Americans are asking for—helping to get a proper health care delivery system with a market-based delivery foundation that will help to reduce costs, increase the quality of care, and expand access to care across this country. We know we can do it. But we know now very clearly that ObamaCare is not the solution.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be allowed to finish my remarks.

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

Mr. HATCH. Mr. President, this week marks another milestone in the long, sordid history of the so-called Affordable Care Act.

It has been roughly 5½ years since this law, cobbled together with spit and baling wire, went into effect. In a few weeks, we will reach the 6-year anniversary of the initial Senate passage of the legislation that would eventually become ObamaCare. Many of us remember those days well because we were here when it happened. Others who were here back then are no longer serving in Congress, and, in many cases, as a direct result of how they voted at the time. Still, for those of us who remain, I expect that this week—as we debate and hope to pass legislation to repeal the most harmful elements of ObamaCare—will bring back a flood of memories. It already has for me.

We all remember the absurd promises that were made by the President and his allies to try to win over the American public: If you like your health insurance, you can keep it; the bill will bring health care costs down; only rich people and evil corporations will see their taxes go up—and so on and so forth.

We all remember the deals cut behind closed doors to bring reluctant Democratic Senators on board. A number of those deals ended being so notorious that they even got nicknames: the ''Cornhusker kickback,'' the ''Louisiana purchase,'' the ''Bay State boondoggle,'' and ''Gatorade.'' We all remember a sitting Speaker of the House arguing with a straight face that Congress would have to pass the health care law before the American people could know what was in it.

More than anything, we all remember a Senate majority—a super majority, as some called it at the time—that was so committed to giving their President a political win that they forced a massive, poorly drafted bill through the Senate without a single Republican vote. They didn't need any Republican votes to pass it, and they sure weren't looking for any. Instead, they threw together a massive overhaul of a huge portion of the U.S. economy and forced it on the American people on a strictly partisan basis—not only here but also in the House.

I will tell you something else that I personally remember from that time. I remember sitting here on the floor shortly before the final cloture vote during the Senate's consideration of the bill and listening to our distinguished majority leader, who was at the time the minority leader. It was December 21, 2009. It was late, nearly 1 o'clock in the morning, and the good Senator stood up and offered some dire warnings for those who supported the bill. After detailing many of the problems the bill would cause—predictions that have all come true, by the way—Senator MCCONNELL said:

> I understand the pressure our friends on the other side are feeling, and I don't doubt for a moment their sincerity. But my message tonight is this: The impact of this vote will long outlive this one frantic snowy weekend in Washington. Mark my words: This legislation will reshape our Nation. . . .

And he was right. That legislation—now a law—has in many ways reshaped our Nation, including some ways that I am not even sure Senator MCCONNELL could have predicted that night.

Yes, it has had a disastrous impact on our health care system. I will have more to say about that in a moment. But, in my view, it has also eroded the public's confidence in our institutions and undermined the ability of our government to function well. By passing this law—forcing it through Congress on a purely partisan basis—its proponents sent a clear message that partisanship trumped good judgment and the will of the voters.

After running a masterful election campaign, President Obama came into office in 2009 riding a wave of goodwill and promises to usher in an era of ''post-partisanship''—whatever that was supposed to mean—and allow us to transcend ideology to focus on good government and pragmatic solutions. Yet his biggest campaign promise, the top priority of his first term and his signature domestic achievement, ObamaCare, was the result of the largest exercise in naked partisanship in our Nation's history.

By any estimation, the debate and passage of ObamaCare deepened our Nation's partisan divide and drove more voters—on both ends of the spectrum—into deeper and more entrenched partisan and ideological positions. It made people more cynical and less trusting of our government and its leaders. It gave additional credence to the perception that politics and governing in America are more about tribalism and conflict than about providing real solutions to the problems plaguing our citizens.

Can anyone seriously argue that our Nation is less partisan or less divided now than it was prior to the passage of ObamaCare? I would like to see anyone try to make that claim with a straight face.

Sadly, that is not all. The damage wrought by ObamaCare extends well beyond our Nation's political discourse and into our governing institutions themselves. Most notably, we have had an administration so committed to ObamaCare that it has, on numerous occasions, exceeded its constitutional authority in order to preserve it.

The examples of overreach and abuse of power have been well documented. The Obama administration has unilaterally moved deadlines set by the statute that they found to be inconvenient. They have rewritten provisions in the

law to give favors and carve-outs to political supporters. They have selectively enforced other provisions in order to give more teeth to their regulations. And that is just the tip of the iceberg.

Make no mistake. President Obama's penchant for Executive overreach extends well beyond the implementation of the Affordable Care Act. But clearly, many of the most egregious examples of abuse on the part of this administration were undertaken to preserve a poorly constructed health system that simply could not work the way the law was drafted. Simply put, ObamaCare has led directly to a weakening of our constitutional order and an erosion of the separation of powers. Given all of these negative consequences, the question ultimately becomes this: Has it been worth it?

Don't get me wrong. In my opinion, all these terrible aftereffects would, by themselves, be enough justification to undo what was done in this Chamber nearly 6 years ago. Still, if the law was working—if it was having a positive overall impact on our health care system—proponents might have something to hang their hat on when it comes to this law. Indeed, if the American people now had better, more affordable health care, supporters of ObamaCare could at least try to argue that all of these other problems have been in service of some noble cause. Of course, we know the law is not working. The American people do not have better, more affordable health care under ObamaCare. Instead, the parade of horribles that began the day the law was enacted has extended beyond our politics, beyond our institutions, and into the lives and livelihoods of everyday Americans.

The system created by the Affordable Care Act—so-called Affordable Care Act—was based largely on the premise that the government could impose drastic new regulations on the individual health insurance market without dramatically increasing the cost of insurance because younger, healthier consumers would be drawn into the market, bringing down costs for everyone else. This claim was obviously fiction. Republicans argued at the time that without serious effort to reduce costs overall, this prized demographic group would stay out of the market, and premiums would skyrocket due to the various mandates and regulations. We now know that we were right. Younger and healthier patients are, by the millions, choosing to forego health insurance and pay fines rather than enter into the individual insurance market. According to most surveys, many of these individuals are choosing to go uninsured because, even with the benefit of ObamaCare premium subsidies, they cannot afford the cost of insurance.

As a result, premiums are going up all over the country. Premium spikes in the double digits have been increasingly common in the current enrollment period. My own home State of Utah has seen premiums go up in this enrollment period by an average 22 percent, which will undoubtedly wreak havoc on family budgets and local businesses. Other States have it even worse, with premiums spiking as much as 25 percent, 30 percent or, in the case of a State such as South Dakota, 63 percent.

Even with increased premiums, insurers are having a harder time doing business in a number of markets, leading providers to exit the various exchanges where patients buy insurance with the aid of ObamaCare subsidies. Just a few weeks ago, in fact, we saw reports that the largest health insurance company in the Nation—UnitedHealth Group—was considering withdrawing from the exchanges entirely. The result will inevitably mean fewer insurers, which means fewer choices and even higher premiums for consumers. It is no wonder, therefore, that next year's enrollment estimates for the exchanges are down dramatically. And, as enrollment drops, all of this—the costs, the reduced options, and the overall state of care—will get even worse in the individual health insurance market.

This downward spiral is all the more maddening when we consider that the President promised the American people that his law would actually reduce the cost of health insurance in the United States.

I am not done yet. There are other problems worth discussing here today. There is, for example, ObamaCare's massive Medicaid expansion. In virtually every case, when the proponents of ObamaCare cite numbers of newly insured individuals under the law, most of the increase can be attributed to the Medicaid expansion. Let's be clear. Medicaid is one of the most poorly constructed programs in all of government. It is extremely costly at the Federal level and even more so at the State level, where it is not uncommon for the program to take up as much as one-fourth to one-third of a State's financial resources. Even with all that cost, it is, in terms of available providers and services, one of the worst, if not the worst health insurance options in the country.

Some of us in Congress have been working for years to reform the structure of the Medicaid Program in order to reduce costs, improve the program, and preserve it for those who are in need. The Affordable Care Act did not fix these problems; it made them worse. Under ObamaCare, Medicaid is more expensive to taxpayers and an even larger burden on the States. With dramatically increased enrollment, Medicaid reform is likely to be even more difficult in the future.

Why anyone would brag about adding enrollees to an insolvent government health program that provides the lowest standard of service in the country with the fewest provider options is beyond me. I suppose those tasked with claiming ObamaCare is a success have to cite positive figures wherever they can dig them up.

The Affordable Care Act also increased taxes dramatically. It raised taxes on drug companies and medical device manufacturers, which have been passed directly to middle-income and lower income consumers because that is what happens when you increase taxes on businesses that produce goods and services. It includes a tax on the so-called Cadillac insurance plans, which proponents claim would only impact rich employees of very large corporations. Of course, the tax was structured in a way that guarantees that in the not too distant future, millions of middle-class Americans will be hit by the tax and see their insurance costs go up even further.

All told, there have been about $1 trillion in new taxes under ObamaCare. While the President and his allies may claim these taxes hold the middle class harmless, the facts tell a different story. That story, of course, isn't just now coming to light. Many of us on the Republican side have been talking about these issues from the very beginning.

I can go on and on. For example, the Affordable Care Act, with its various mandates, also increased costs to employers around the country, resulting in fewer new hires and reduced opportunities for many existing employees. Many small businesses now choose not to expand in order to avoid reaching the number of employees that will trigger new requirements. At the same time, because the law perversely defines a full-time employee as one working a minimum of 30 hours, other companies are avoiding the triggers by cutting back on workers' hours.

All of these developments—every single one of them—were predicted way back in 2009 when the law was being debated. The President told us we were wrong. His supporters in Congress did the same. They ignored the obvious warnings, and now the American people, as well as small businesses and job creators, are paying the price.

These issues and many others are why Republicans have spent more than 5 years fighting against ObamaCare. We have introduced bills to repeal the whole law, others to repeal just the most harmful elements. I personally have introduced bills to repeal the individual mandate, the employer mandate, and the medical device tax. On the Senate Finance Committee, we have conducted rigorous oversight on numerous aspects of the law and the implementation of various programs. Other committees have done the same within their jurisdictions. Virtually all of us have supported efforts to challenge elements of the law in court.

While we have differed on tactics from time to time, Republicans have been united in our desire to repeal and replace this misguided attempt at health care reform. Some of us have even come up with specific ideas on

how to replace ObamaCare. For example, earlier this year, Senator BURR, Chairman FRED UPTON from the House, and I released the latest draft of the Patient CARE Act, a legislative proposal that would fix many of the things the authors of ObamaCare got horribly wrong.

Most notably, as a number of health care experts have concluded, our proposal would actually reduce health care costs. As we all know, rising costs are the single biggest problem plaguing our health care system. Yet the President's health law did virtually nothing to address this issue. Unlike the poorly named Affordable Care Act, the Patient CARE Act would actually make health care more affordable throughout the United States.

At the beginning of this year, Republicans assumed the majority in the Senate, having committed—even promised in some cases—to work to repeal this so-called Affordable Care Act. This week, with the bill now before us, we will take a major step toward delivering on those promises. The legislation we are now debating would send the broadest possible ObamaCare repeal to the President's desk.

As the chairman of the Senate Finance Committee, I am pleased to have joined with my colleagues—the distinguished chairman of the Budget and HELP Committees, as well as the Senate Republican leadership—to lead this latest fight against ObamaCare. This bill would repeal many of the worst parts of ObamaCare. Among other things, it would repeal the individual mandate, the employer mandate, the medical device tax, and the Cadillac tax. All of these different parts of ObamaCare have contributed in one way or another to the long, slow death march we have witnessed over the past 5 years. All of them would be dealt with under this legislation.

The legislation would address another contentious debate: the one dealing with Planned Parenthood. The debate over Planned Parenthood has perplexed Congress and divided our country for years as many people have expressed ever more opposition to providing such a controversial organization—and I am being generous with that label—with taxpayer funds. As we all know, this debate reached a boiling point earlier this year.

The reconciliation package before us would prohibit Federal payments to Planned Parenthood and direct more funds to the Federal community health center program, putting an end to the Federal Government's entanglements with Planned Parenthood while alleviating legitimate concerns about funding for women's health. This is yet another reason to support this legislation.

As I said, the debate we are having this week is an important milestone in the history of ObamaCare, maybe even the most important milestone yet. But we need to be realistic. While this bill is an important step, it stands no real chance of becoming law. For that to happen, we are going to have to see even more changes. But that doesn't mean our efforts here are for nothing. This bill may not result in new law, but it will give the American people a fresh accounting of where each of us stands when it comes to ObamaCare.

It is funny, Republicans have taken some flack—not a lot but some—for referring to the Affordable Care Act as ''ObamaCare'' or ''the President's health care law.'' The President, for his part, hasn't shied away from these labels, but I have read a few pundits who think these terms are specifically intended to undermine the legitimacy of a statute duly passed by Congress. In some respects, I suppose that might be true. After all, even though we constantly refer to the law as ''ObamaCare,'' it is not as though President Obama passed it himself. He was aided and abetted by his allies in Congress.

While it may be useful shorthand to attach the President's name to it, I don't think the American people have forgotten the others who helped bring this terrible law to pass. President Obama will forever own the Affordable Care Act, that is for sure. People will likely always refer to it as ''ObamaCare.'' But those in Congress who drafted and voted for the law will own it too.

When President Obama vetoes this legislation, as we all expect he will, he will take ownership of the Affordable Care Act—not that he hasn't in the past—along with its many failures and gross inadequacies all over again. I think the same can be said for any of our colleagues who vote against repealing the worst elements of the law this week.

I hope my colleagues on the other side of the aisle will think about that as this debate moves forward and that they will consider voting with us to send this repeal to the President's desk. I think it would be a very wise move on their part.

This isn't going away even if the President does veto this bill. I hope he doesn't, but if he intends to do it, it would be a breath of fresh air for our colleagues on the other side of the aisle to help us to have a veto-proof majority to tell the President once and for all that this bill is not what we want in America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I come to the Senate floor today to talk about the broken promises of ObamaCare and the negative impacts this poorly written law have had on my State of Colorado. While there have been many broken promises of ObamaCare, there have been three major broken promises that are the center of focus for hundreds of thousands of Coloradans.

I want to start with broken promise No. 1. If you like your plan, you can keep it. The President said over 35 times that Americans shouldn't worry about ObamaCare because if you like your plan, then you can keep it. And it wasn't just the President; time after time, supporters of ObamaCare came to the floor of the House or the Senate or before townhalls in their States or districts and repeated those words: If you like your plan, you can keep it. In fact, these words were used to justify the reason they supported ObamaCare in the first place.

Coloradans quickly learned this promise was far from the truth. In late 2013, roughly 335,000 insurance policies in Colorado were canceled because of ObamaCare. These cancellations also affected my family health care plan. Unfortunately, the cancellations in 2013 were the very beginning. In January of 2014, the Colorado Division of Insurance canceled an additional 249,000 plans because those plans didn't meet the requirements of ObamaCare.

The President said: If you like your plan, you can keep it. Supporters in Congress said: If you like your plan, you can keep it. But what he meant was, as long as the government approves of your plan, you can keep it.

In 2015, an additional 190,000 plans were canceled. In total, according to the Congressional Research Service, over 750,000 health insurance perhaps plans in Colorado were canceled between 2013 and 2015.

The fact-checking organization PolitiFact said this promise was ''impossible to keep'' and went on to deem President Obama's promise that if you like your health care plan, you can keep it the ''Lie of the Year'' for 2013.

Supporters of ObamaCare will tell you that it is OK that this happened because these 750,000 individuals must have had inferior health insurance and that the government knows best. You see, that is the exact problem with government. That is the arrogance of government and the arrogance of ObamaCare—that people in the government, bureaucrats and others, believe they know better than the American consumers what is best for them. They believe it is OK to cancel 750,000 policies because they must have been bad, so go ahead and cancel them. They will also say that it is all right because there are additional plans they can choose from. But that wasn't the promise of ObamaCare.

Broken promise No. 1: If you like your health care plan, you can keep it.

Broken promise No. 2: ObamaCare will reduce the costs for families, businesses, and our government.

Remember, when ObamaCare was passed, they said the family would save $2,500 a year relatively soon after its passage. Unfortunately, Coloradans have felt that broken promise as well. It is a broken promise that hit their pocketbooks and has broken the bank as well. For example, take the Western Slope of Colorado. I have a chart here. According to the Colorado Division of Insurance, individual insurance premiums for 2016 on the Western Slope of

Colorado will rise by an additional average of 25.8 percent.

There are people across America who are familiar with Colorado's Western Slope. These are the incredible mountain vistas, our forests, our national parks, our ski resorts.

They received a 25.8-percent increase in their health care costs this year. That is far from the promise of lowering the health care costs that ObamaCare was passed with. No one can afford these high prices. In fact, in 2013 one of my Democratic colleagues in the Colorado delegation even tried to exempt one of the wealthiest counties in Colorado from ObamaCare, citing that health insurance premiums would be too expensive. Let me say that again. A Member of the U.S. House of Representatives, a Democrat, tried to exempt portions of his district from ObamaCare because it was making his constituents pay too much for their insurance. Here is a quote:

> We will be encouraging a waiver. It will be difficult for Summit County residents to become insured. For the vast majority, it's too high a price to pay.

It doesn't matter whether you live in the Eastern Plains, Fort Collins, or the Western Slope, ObamaCare has simply made it more costly. Plans are getting more expensive, and promises are being broken.

Broken promise No. 3: President Obama promised greater competition in the marketplace through consumer-run co-ops. Yet over 80,000 Coloradans are feeling the impacts of this broken promise. To date, 12 out of 23 co-ops created by ObamaCare have been shut down across the United States, including the co-op in Colorado, which failed in October of this year.

Nationwide, the failed co-ops were loaned over $1 billion, which came from the hard-working taxpayers of this country. That taxpayer money was supposed to help get these co-ops off the ground, but now with these failures, that taxpayer money is at risk of never being paid back to the people of this country, and the health care of nearly 700,000 individuals across the United States is in jeopardy.

ObamaCare allowed policies to be offered that were never actuarially sound because they assumed there would be a bailout by the government to help make them actuarially sound. By banking on a bailout, they sold the American people a bill of goods.

Today we have a path forward that is turning away from the failed health care law that has been built on broken promises. The first step of this path forward is to repeal ObamaCare, and I urge my colleagues to support the repeal of ObamaCare that we will be voting on this week. Repealing ObamaCare will clear the way for a replacement plan and will put our country's health care on the right track.

First, we have to restore the ability of individuals to choose what is best for themselves instead of having Big Government choose for them. Coloradans don't want Dr. Congress. They want to keep the doctor they were promised they could keep in the first place. The best way to do this is to ensure that people get to keep the health plans that they want, and that is why I am working with Senator RON JOHNSON from Wisconsin on his amendment that simply says that if you like your health care plan, you can keep it.

I heard from countless individuals in Colorado who lost the plans they liked and wanted to keep. They were certainly promised they could keep them, and just because ObamaCare can't fulfill the promise that it was sold under doesn't mean we shouldn't do our jobs to make that promise a reality. The amendment Senator JOHNSON and I have offered would allow individuals to continue receiving health coverage on plans that would otherwise be canceled because of ObamaCare.

Second, we must ensure that taxpayer dollars are used responsibly. I filed an amendment that will help recover taxpayer money that was loaned to the failed co-ops. More than $1 billion in Federal loans were awarded to these failed co-ops. Congress has a duty to spend taxpayer dollars responsibly, and this amendment will ensure just that.

Lastly, we must make sure individuals have certainty in the health coverage they choose. My final amendment will make certain that co-ops can't rely on bailouts when they are calculating insurance premiums, setting false expectations for consumers. Several co-ops counted on these bailout provisions to keep premiums artificially low. Because these premiums were artificially low and since many co-ops were planning on receiving the bailout, many could no longer cover their expenses. Allowing co-ops to rely on a bailout was irresponsible and has resulted in nearly 700,000 individuals nationwide whose health coverage is now uncertain.

It is time to act. It is time to take the path forward. It is time to repeal ObamaCare, which is simply one big broken promise after another. This path to repeal ObamaCare will allow us to replace ObamaCare and will have fewer health care regulations for businesses and individuals. It will put us on a path forward for individual freedoms and a more prosperous America.

I yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

OMNIBUS APPROPRIATIONS BILL AND POLICY RIDERS

Mr. NELSON. Mr. President, we are about to consider a big appropriations bill all wrapped up into one called an Omnibus appropriations bill. I think it will be a good bill. But here we go again, trying to attach all kinds of goodies to it.

Now, with just a few days left of funding before the U.S. Government spending authority and appropriations expire—to the best of my recollection that is about 9½ days away—we have to get something done. But what is happening is that the special interests are coming out of the woodwork, and they are hard at work to sneak sweetheart deals into what is a must-pass piece of legislation—the funding to keep the Government of the United States functioning. So these special interests that are suddenly popping up and sneaking around the corner don't have to get the votes to get it passed through their regular order for whatever their particular interest is. They want it so their interests are riders on the appropriations bill, and everybody has to vote for it with their special interests because if we don't, the government shuts down, which is obviously an unacceptable alternative.

These handouts to special interests are known as appropriations riders. Most ordinary Americans don't know that this stuff is going on.

Well, based on the appropriations bill that we saw earlier this year, we know that many of these riders could work their way in. For example, some people, particularly in the banking community, don't like some of the restrictions. In September of 2008, when we nearly had a financial meltdown as a result of Lehman Brothers going down, there was a big financial death spiral going on. A lot of excesses happened during that time in the bailout so that Wall Street would not go under, and there was legislation to correct some of those excesses. It is known by the name of the two authors, Senator Dodd and Congressman Frank. There are going to be people trying to put in a rollback of some of those provisions, but I hope some of our colleagues will remember what those were put in for, so that we don't have the likelihood of having another financial death spiral like that which almost occurred.

I hope we remember the picture in our minds of the Republican Secretary of the Treasury at the end of the George Bush administration, begging the leadership of Congress to pass the troubled assets relief bill to keep the financial integrity of the U.S. Government. There were a lot of excesses, including excessive executive salaries that came from that.

We know all about what happened to that supersized insurance company called AIG. I don't think Americans would want these kinds of things put on a necessary funding bill for the United States Government.

I will give another example. Another policy rider is to prohibit the United States from working with other countries to address climate change. This Senator has been in the middle of it because Miami Beach is ground zero on

climate change. The measurements over the last 40 years are an additional 5 to 8 inches that the sea level has risen at the seasonal high tide. The streets of Miami Beach are flooded. It is a real problem.

There are some, such as Senator INHOFE, who don't believe it. So we can have that debate. I am respectful of Senator INHOFE and of his position, although I think we can easily refute it with scientific evidence, but we ought to have that debate. Don't sneak it in on a rider on a must-pass, gargantuan appropriations bill in order to keep the government functioning.

There are other riders that are being discussed that are bad for the safety of families and making our highways more dangerous. For example, we picked up that some of the appropriators have suggested to continue the delay of the important implementation of safety laws, such as how long does it take for a trucker to become tired if they have to work longer and longer hours, and is that a safety concern. As the ranking member of the Commerce Committee, which has jurisdiction, we work on these issues. We debate them. Don't go trying to sneak something in under the rug in an appropriations bill regarding safety for surface transportation. We just hammered that out in a conference committee on the highway bill. The highway bill is a lot more than just highways and bridges; it is surface transportation. It includes safety measures as well for all modes of surface transportation.

Let me give an example of another rider that is out there lurking. There are some who want to take all of the additional fees—when someone buys a ticket to fly on an airline, a person ought to have the opportunity of knowing what all those fees are, and on a person's airline ticket that one buys from the airline, one usually does. But there are others who want to sell those airline tickets—not the airlines—and not disclose all of those fees. Yet the consumers are the ones who are paying for it. They are trying to sneak in under the rug another provision that would become law on an unrelated appropriations bill.

So I just wanted to add my voice to the others who are speaking this afternoon. Let's put the American people first, and let's use what we hear about all the time: Regular order. Let the committee system work to hammer out what ought to be in the bills instead of, at the eleventh hour of the 59th minute as we have to fund the government, trying to sneak something in, in the dead of night, in order to scratch the itch of someone's special interest.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to lead a colloquy with Senators BURR, ISAKSON, CASSIDY, and SCOTT for up to 20 minutes.

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

Mr. ALEXANDER. Mr. President, today we are talking about repealing Obamacare and moving in a completely different direction toward more choices and lower costs for Americans as they search for their health care plans.

I came to the floor yesterday and brought back a memory from 5½ years ago of the President's health care summit, nationally televised all day long at the Blair House, with 36 Members of Congress and the President of the United States. I had a chance, leading off for the Republican speakers that day, to say respectfully to President Obama: Mr. President, this health care plan of yours is going to impose a huge Medicaid unfunded mandate on State budgets, which will raise tuitions and take money from other State programs. It will take money out of Medicare and spend it on something else. It will increase taxes, it will raise premiums, and it will cost jobs. Unfortunately, that all turned out to be true.

The Senator from Georgia, Mr. ISAKSON, was there, as I was, on that Christmas Eve. It was a cold night when the Democrats had, for a few months, 60 votes, and they rammed through Obamacare in the middle of the night with all Democratic votes, no Republican votes, with us warning what would happen.

Now, I say to Senator ISAKSON, the premiums in Georgia, I believe will go up 29 percent for some plans.

Mr. ISAKSON. That is correct.

Mr. ALEXANDER. And I wonder if the Senator has been hearing from some of his constituents about their premium increases.

Mr. ISAKSON. Mr. President, let me confirm what the Senator from Tennessee just said about that cold night on Christmas Eve 6 years ago when the administration was promising lower premiums, better benefits, and that ObamaCare was going to be the solution for the problems of American families.

As the Senator from Tennessee said, I have gotten letters, as has he. Every Member has gotten letters from people who are having higher premiums, bigger deductibles, and fewer benefits. Let me give an example. A family in Roswell, GA, wrote me, a family of five. They had just been notified that their premium was going from $849 a month to $1,075 a month, a $300 increase, with a deductible of $11,900, an increase of $6,900 in their deductible. The mother, who had a family history of breast cancer, was denied mammograms because of her age, and a young daughter who had a precancerous mole removed was refused reimbursement.

So here is an increase in premiums, a reduction in benefits, and an increase in their deductible. It doesn't make any sense, but it is all because of the mandates of the ObamaCare law.

Secondly, a young couple in Smyrna, GA, wanted to plan for their retirement and start saving early in their early years of productivity. They recently received a notice from their insurance company that their premium was going from $607 a month to $1,379 a month—over a 100-percent increase. Where is that money coming from? They are having to reduce their savings for retirement just to pay the ObamaCare premium and get less of a benefit because their deductible is going from $2,000 to $4,000.

The promise of lower cost health care and better benefits was exactly wrong and what the American people were promised was wrong. I am proud that Mr. ENZI, the Senator from Tennessee, and others who have led this reconciliation vote to repeal ObamaCare have done so. It is time the American people got the truth—better coverage, lower costs, but do it the old-fashioned way with a private competitive system.

Mr. ALEXANDER. I thank the Senator from Georgia for his leadership on the HELP Committee on which all of us serve.

One of the newer members of the HELP Committee brings a lot of expertise: Senator CASSIDY from Louisiana. He wasn't there, at least not in the Senate, on the night Obamacare passed, but he has written forcefully about the fact that while premiums have been going up, something else was going down, and that is family incomes because of the 30-hour work week. Senator CASSIDY had an article in Forbes magazine in 2014 that pointed out the impact of the 30-hour work week in Obamacare and how that was hurting working families.

Mr. CASSIDY. I say to Senator ALEXANDER, one of the ironies of this is that it was promoted as a way to help lower income families make ends meet better. But if you require employers to provide insurance to low-wage workers, the predictable response of an employer who has thin margins is to actually convert those full-time workers to part-time workers. This doesn't happen for the CEO or for the CEO's lieutenants, and it doesn't happen for middle management. The folks it happens most to are those lower paid workers.

I once went grocery shopping in Baton Rouge, and a woman rung me up. The next day my wife sent me to another store to get something else at another store. The same woman was ringing me up. I said: I just saw you at that store, but now I see you at this store. She said—I am paraphrasing—my first employer reduced my hours, so now I have had to take a second job to make ends meet.

Now, that is the personal story. But what the labor statistics show is that since the recession has technically ended, the hours worked per week have recovered for higher income workers, but as for the lower income workers, they have continued to suffer. The most vulnerable have been the most affected in terms of hours worked, but it is not just the most vulnerable, it is also the middle class.

The New York Times wrote an article 2 weeks ago. The headline says it all:

''Many Say High Deductibles Make Their Health Law Insurance All But Useless.'' They quote a gentleman, David Reines from New Jersey. He is 60 years old. He said:

The deductible, $3,000 a year, makes it impossible to actually go to the doctor. . . . We have insurance, but can't afford to use it.

So it is the middle-income worker who also has a policy which previously would have allowed him or her to go to the doctor. Now they can't because the way ObamaCare is so structured is that it is too expensive for that out-of-pocket first exposure.

Mr. ALEXANDER. What the Senator is saying, if I hear him right, is that in the worst of circumstances, the effect of Obamacare on some of the people he is talking with means they are working less hours, so they have less money. Their insurance premium is higher, and so is their deductible. That is the effect.

Mr. CASSIDY. When it comes to insurance premiums, you can't make this up.

This is a fellow from Homewood, LA. His first name is Mark; we scratched out his last name. This is his letter from Blue Cross and Blue Shield of Louisiana informing him that his policy, which had previously been $207 per month, was going up in 2016 to $961 per month. His policy, which had been roughly $2,400 a year, is going up to $11,500 a year. And this is because of the Affordable Care Act—the Unaffordable Care Act.

Mr. ALEXANDER. The essential problem with Obamacare for people who buy individual insurance, it seems to me, I say to Senator ISAKSON, is that Washington tells you what insurance to buy.

I think of a woman named Emilie in Middle Tennessee who has lupus and who had a policy she could afford. It had modest benefits and it didn't cost very much, but it fit her needs, but Obamacare canceled that policy. When she went online to find another policy under Obamacare, her costs went up from $100 to $400 a month. I guess the Senator has heard stories like that as well in Georgia.

Mr. ISAKSON. All the time, because what happened with ObamaCare is the following: People who had insurance they could afford and who had bought coverage they needed were forced to buy coverage they didn't need because of the mandates in ObamaCare in terms of what had to be included. So it forced more coverage that you didn't need, which raised the premiums you paid. So you end up paying more and getting less, and it was the mandates of ObamaCare that did it.

Mr. ALEXANDER. Senator CASSIDY, of course, has a unique perspective on this as a practicing physician. I think he still practices some—as much as he can within the Senate rules—but he sees patients regularly. I ask Senator CASSIDY, what was the effect of this new health care law 5½ years ago on the ability of patients to choose their own physicians?

Mr. CASSIDY. The way the market has responded, in order to make insurance affordable despite the mandates, is there are so-called narrow networks. So someone signs up for the most affordable policy they can get. It turns out that the doctor they previously saw is not on this plan. So the narrow network is going to be just a small set of doctors. The specialists may be in another town; one hospital, not all hospitals. And patients are unfamiliar with this. They did not expect it. But that was their only affordable option. The mandates have driven up the costs so much.

By the way, going back to the letter you got about the mandated benefits, in my recent campaign, I had a woman walk up to me, and she said: My name is Tina, and I am angry. I had a hysterectomy. I am 56 years old and I have no children. My husband and I are paying $500 more per month for insurance, which we cannot afford, and I am paying for pediatric dentistry, and I am paying for obstetrical services.

She had had a hysterectomy, was 56 years old, and had no children.

Another woman—she was 58 and her husband was 57—told me: The only reason I would need obstetrical services, which I am forced to buy, is if my name is Sarah and my husband is Abraham, but that is not the case.

Mr. ALEXANDER. Senator ISAKSON, before he came to the Senate, was a small businessman in Georgia.

Probably the largest employer in our country is the hospitality industry—restaurants, hotels, that sort of thing, employing many young people, many minority people. I met with a number of restaurant owners, who told me after Obamacare passed that because of the costs of that insurance to the company, their goal would be to reduce the number of employees from 90 to 70. So Obamacare costs jobs. Did the Senator have that kind of experience in Georgia as well?

Mr. ISAKSON. Not only did it cost jobs, but it forced many people who had full-time jobs into part-time jobs because of the mandates. Small business got hurt and their employees got hurt.

The mandates of ObamaCare for coverage, the mandates for taxation, and the mandates for deductibles all contributed to the increasing costs of ObamaCare and made health care more out of reach than more accessible.

Mr. ALEXANDER. Memphis is proud of the fact that it is a center for medical device innovation. Some of the leading medical device companies in the world are located in Memphis, TN. The Obamacare bill—part of its trillion dollars in new taxes included a medical device tax which put an especially onerous tax on the gross income of medical devices companies, causing the President in Costa Rica to put up signs saying ''Welcome to Costa Rica'' to medical device companies.

I wonder if in Louisiana or Georgia you had any experience with the impact of the medical device tax on your constituents?

Mr. CASSIDY. There is a fellow who started a medical device startup in New Orleans, and he was saying that he had an offer to move his business to Panama because a major portion of his market is overseas.

So the medical device tax is, of course, a tax upon the gross of a business. If he moves overseas to Panama, taking those jobs with him, and continues to sell internationally and not pay tax on that but is taxed only on that which he brings back to the United States, then he is obviously reducing his tax burden. Those are high-paying, white-collar jobs in New Orleans, a city recovering from Katrina. If the power to tax is the power to destroy, this tax has the power to destroy the ability of this gentleman to continue to expand in New Orleans.

Mr. ALEXANDER. I say to Senator ISAKSON, I recall one of the most vigorous debates we had 5½ years ago was first the President saying: We won't touch Medicare. Next thing you know, they took $700 billion out of Medicare to spend on new programs, at a time when the Medicare trustees, whose job it is to tell us things like this, said: The program is going to go broke unless we do something about it. We were saying: If you are going to take money away from grandma's Medicare, you better spend it on grandma. But they didn't. It impacted Medicare recipients in Georgia, Tennessee, and Louisiana.

Mr. ISAKSON. Well, the President basically robbed Peter to pay Paul. He robbed the beneficiaries of Medicare benefits and then took the money and spent it on somebody else. So the person who had the benefits didn't have the benefits any longer.

The problem with this entire deal is it was a charade. Promises were made that if you like your policy, you can keep it. That turned out to be wrong. Premiums were going to go down. That turned out to be wrong. If you couldn't get insurance, you would be able to get insurance. Well, that ended up being true in part, but it became something known as a bronze policy. Do you know what a bronze policy is? It was a policy that gave you coverage, but the deductible was so big, you couldn't get to the coverage. So every time there was a promise, it was a broken promise, an increased cost, and less accessibility to coverage.

Mr. ALEXANDER. Mr. President, how much time remains in our colloquy?

The PRESIDING OFFICER. There is 6 minutes remaining.

Mr. ALEXANDER. Six minutes remaining.

We have heard a lot in the news about co-ops. Co-ops were an invention of Obamacare that were designed to provide health care to many Americans. I know that in South Carolina, for example—closure of these co-ops for 67,000 South Carolinians and 27,000 Tennesseans—means that suddenly they

have to find new coverage. I wonder if either in Louisiana or Georgia, you have had any experience with the new co-ops in Obamacare?

Mr. CASSIDY. Louisiana's co-op failed. It attempted to lower costs with a skinny network, but ultimately it still could not compete.

If I may point out, we have talked about how the low-wage worker has had her opportunity diminished by the law. We discussed how the middle-class family, who oftentimes had insurance they were told they could keep, lost it, and now they have a deductible of $3,000, which they say makes the insurance something they cannot afford. We are speaking about the U.S. taxpayer. The U.S. taxpayer has put billions of dollars toward these co-ops. There is some evidence that the administration continued to put money into them even when they knew they were going to fail, and yet now they are failing—over half and supposedly more slated to do so. It isn't just the low-wage worker and the middle-class family; it is all the taxpayers who have taken a hit for promises made but promises broken.

Mr. ALEXANDER. During the debate 5½ years ago at the health care summit at the Blair House, our Democratic friends said: Well, when are you Republicans going to come up with a big, comprehensive plan? My answer to them was: If you are waiting for Senator MCCONNELL to roll a wheelbarrow onto the Senate floor with a 2,700 page McConnell-care bill, you are going to be waiting until the sky turns purple because we don't believe in that. We don't think we are wise enough in Washington, DC, to write a comprehensive plan for everything about the American health care for all the people in this country.

Instead, what we proposed to do—and we proposed it over and over again—was to move step by step in a different direction toward more choices, more freedom, and lower costs. In fact, I counted it up, and 173 times in the CONGRESSIONAL RECORD in the year 2009, we Republicans laid out our plans step by step toward those causes, steps like the step Senator SCOTT from South Carolina took in a bipartisan way just this year to give States the ability to set the rates for the kind of insurance small businesses could buy and avoid an 18-percent increase in premiums. Those are the kinds of steps we would take in a different direction to give the American people those options.

Our time for the colloquy has expired. I thank the Senator from Georgia, Mr. ISAKSON, and the Senator from Louisiana, Mr. CASSIDY. We Republicans said 5½ years ago that premiums would go up, taxes would go up, jobs would be lost, and that State budgets would be burdened by Medicaid, and all that turned out to be true, unfortunately.

The President said: If you like your plan, you can keep it. That turned out to be untrue, unfortunately.

We are prepared to go in a different direction—more choices, more freedom, lower costs—but first, this week we are going to repeal Obamacare, which has caused such problems for the American people, and then we will head in a different direction.

I thank the Presiding Officer.

I yield the floor.

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

The PRESIDING OFFICER. Will the Senator withhold that request?

Mr. ISAKSON. I will withdraw the request.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Thank you, Mr. President.

I ask unanimous consent to conduct a colloquy with my colleagues from Massachusetts and Florida for roughly the next 30 minutes.

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

APPROPRIATIONS BILLS AND POLICY RIDERS

Mr. MERKLEY. Mr. President, 7 years ago Wall Street imploded, sending us into a recession that we hadn't seen since the Great Depression. While our economy has slowly bounced back, the memory of that crisis is still fresh in the minds of many Americans, millions of whom lost their jobs, millions of whom lost their homes, and millions of whom lost their retirement savings.

Nobody wants to repeat the financial collapse, the bailouts, the recession. Indeed, we have spent the last 6 years digging out of a hole. Despite this, Republican colleagues at this very moment are holding meetings and preparing policy riders to gut the reforms that shut down the Wall Street casino. They are working to open up that casino again, to the great detriment of families across this country. Their goal is to add poison pill policy riders to the fiscal year 2016 appropriation bills that may well be consolidated into an omnibus.

That is why I am here on the floor with my colleagues from Rhode Island and Massachusetts. Our colleague, Senator BILL NELSON from Florida, spoke earlier about these issues. We are here to say no to these policy riders that are seeking to reopen the Wall Street casino and put American families at peril.

To start things off, I turn to my colleague from Rhode Island, who has brought great expertise and diligence to this conversation over the responsible regulations, the ones that serve like the traffic signals that enable traffic to move slowly so they don't end up in auto wrecks, but they don't shut it down—the responsible regulations that will keep us from having another crash doing great damage to American families.

Mr. REED. Mr. President, I thank my colleague from Oregon for his leadership on this issue, and I thank my colleagues who are going to join us later.

I am joining them in urging all of our colleagues in the Senate not to roll back the protections that are in place due to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.

Let me remind everyone where we have come from. When we passed the Wall Street reform act, the Dodd-Frank act, we were in the most painful financial crisis since the Great Depression. The Dow Jones dropped from roughly 13,700 points in July of 2007 to 7,235 points by March of 2009, about a 47 percent drop in wealth as indicated by the stock market. It was a huge, huge hit. The line at that time was: What is happening to your 401(k) plan?

Well, we have come back, and one of the reasons we have come back is because Dodd-Frank has now provided safer rules of the road for financial institutions.

Back then and going forward, we lost 8.6 million jobs from January of 2008 until January of 2010. There were 8 million jobs lost primarily because Wall Street lost its way, frankly. The unemployment rate doubled from 5 percent in January of 2008 to 10 percent in October of 2009. In that period of time, roughly from July 2007 to November of 2014, nearly 7.5 million families lost their homes.

These are sobering numbers. Behind each of these numbers is an individual or family—our constituents, who suffered real and serious damages. Again, this was traceable almost directly back to excesses on Wall Street, which we consciously tried to correct in the Dodd-Frank act, and it has provided a solid foundation for economic recovery. Slow as it has been, we are coming back.

What happened was that these families lost their retirements—wiped out. It was not only the financial loss but the sheer psychological trauma of being either retired or on the edge of retirement and suddenly it was all gone. It has left a lasting impression.

People have lost jobs, as I have indicated. It was a huge loss of jobs. Some have never gotten back into the market or gotten a job at the level they had before.

Then, of course, there were the foreclosures, thousands and thousands of Americans losing their homes. Without their homes, some of our constituents lost their whole sense of belonging to the community and their ability to find a new job because they were just battling a day at a time for shelter and for subsistence. These were real issues, and we seem to have forgotten all of that. We seem to have forgotten that Wall Street—without sound regulations, strong regulation—will find its way off the path and into this type of difficulty.

We all know people who suffered these losses, and we all are committed that they won't suffer them again. But that commitment requires us to follow through on the Dodd-Frank act, the Wall Street reform act.

In that legislation, I worked very closely with Senator WARREN to create the Consumer Financial Protection Bureau. It is just one of the examples of

the efforts in that bill that actually protected our constituents, not theoretically but practically. They have been protected from tricky people who were giving them mortgages they couldn't afford, engaging in illegal servicing and foreclosure practices in the mortgage industry, steering consumers into excessive loans they couldn't afford—and the person doing the steering knew they couldn't afford them—but those tricky people took the money and literally ran, and we have tried to stop them.

Because of the efforts of the Consumer Financial Protection Bureau, $11.2 billion in relief has been given to families throughout this country; $11 billion has been given to individuals and families all across this country. This is an example not of theoretical legalistic procedures but of practical help for people. That is the direct result of Dodd-Frank, and some of the proposals that we are hearing about would undo that.

In the process of creating the Consumer Financial Protection Bureau, I am particularly proud of working with colleagues to create the Office of Servicemember Affairs within the Consumer Financial Protection Bureau to serve as a watchdog for our military personnel. Under the leadership of Holly Petraeus, it has done a remarkable job. More than $90 million has been returned to servicemembers and their families from unscrupulous companies that preyed upon our military families deliberately—understanding the vulnerability of families that are in transit because of deployments and other things. Another example, the Military Lending Act, which has capped annual interest rates for military personnel, has been enforced through the efforts of the Consumer Financial Protection Bureau.

This has not only helped these families, but it has helped this Nation. It has helped our military readiness. I can tell you that basically a long time ago, I had the privilege of commanding soldiers, paratroopers in the 82nd, and it is hard to be a good soldier when you worry about whether your family is going to be able to make it through the week or the month to get your next paycheck. This is real help, and it is the result of Dodd-Frank. No, many things are the result of Dodd-Frank.

So why do we want to roll back these reforms? You ask people, and they will say: Well, it is burdensome, and they are hurting these financial institutions; you know, it is just so hard to operate a financial institution today.

Then you take a look at the stock performance of these institutions, the American global systemically important banks and even our regional banks. These institutions have seen their stock prices increase from July 2010 at least by 31 percent and in some cases as high as 114 percent. That is the market saying to these institutions and to all of us that they are in good shape. They are in great shape. They are not being burdened by financial regulations. They are not being overwhelmed. They are profit centers. They are doing great. Name other companies that have increased their value so much. One reason is because everyone is confident there is a stable, sound, rigorous regulatory structure that is ensuring that banks will not go off the cliff as they did in 2007 and 2008 when their stock prices collapsed.

So if you look at that, if you look at the markets, they are not complaining about Dodd-Frank. The markets are looking to say: That is where the money should go. That is what you should invest in.

So if you look at that growth and then draw a contrast between what has happened to average American families—they haven't seen that kind of wage growth. I don't know many working families who have seen a 31 percent increase in their income or a 114 percent increase in their income, but we have to do better with respect to our working families.

One thing we have to do is make sure that we keep in place protections that were built into the Dodd-Frank act.

There are always ways you can improve legislation, and there are a myriad of technical corrections that could be done, but to disguise some of these proposals as technical corrections is not appropriate.

I think also, frankly, if we are going to be sensible, sound, and thoughtful about technical corrections, let's go ahead and do it the way it should be done, the way Dodd-Frank was done. I was on the banking committee. We had hearings. We had a markup. We had, in fact, several markups until we got it right. Then we brought it to the floor, we had a vigorous debate, and we amended the bill. Then we took that bill to conference, then we had it changed in conference, and then we sent it to the President for his signature.

So if we are going to do corrections to improve the Dodd-Frank bill, let's do it the way we did it originally, not finding a convenient vehicle—a highway bill, an appropriations bill, any other bill—and sticking them in as sort of ''take it or leave it''—you have to do this or you lose highway funding or you lose funding for our schools, for education, for national defense.

I would hope that we can move forward in regular order and make corrections where necessary, but certainly let's not use these waning days of this session to undermine the Dodd-Frank Act with some of the proposals I have heard.

With that, I yield back to my colleague, the Senator from Oregon.

Mr. MERKLEY. I thank my colleague from Rhode Island for his comments and insights.

Now we are going to turn to the Senator from Massachusetts. We will be delighted to hear her thoughts on this challenge of taking serious issues related to the Wall Street casino, a system that brought down the prospects for so many American families, and how there is the consideration of restoring the Wall Street casino in the dark of night by policy riders being attached to other bills.

Ms. WARREN. Mr. President, I am pleased to join Senator MERKLEY, Senator NELSON, and Senator REED on the floor today. I thank Senator MERKLEY for pulling us together.

We are here to say no—no to the industry lobbyists, no to their friends in Congress who are threatening a government shutdown if we won't roll back rules that protect consumers and protect the safety of our financial system.

It is a pretty neat trick. The lobbyists probably know they can't get a rollback of financial regulations passed out in the open where the American people can actually see what is happening and see which Senators and which Representatives voted to gut the rules that protect working families. So instead they tack rollbacks onto must-pass legislation, such as the upcoming government funding bill, to give their friends in Congress a lot of cover for voting yes.

It is cynical. It is cynical and it is corrupt, but it usually works. Just last year, Citigroup lobbyists wrote a provision to blast a hole in Dodd-Frank. The part of the law that was blown up was called—and I am quoting the title—''Prohibition Against Federal Government Bailouts of Swaps Entities.'' The idea behind the rule was pretty simple. If a big bank wanted to engage in certain kinds of risky deals, such as the credit default swaps that had been at the heart of the 2008 crisis, they had to bear all of that risk themselves instead of passing it along to taxpayers.

Now the big banks wanted that rule repealed, and the only way to do it was to put it on a bill that had to pass or the government would shut down, and that is exactly what they did.

For 1 year, Congressman ELIJAH CUMMINGS and I worked to document the impact of that Citigroup amendment, and we finally got what we needed. The FDIC estimates that the provision written by Citigroup lobbyists last year that allows a few big banks to put taxpayers on the hook for risky swaps has an estimated value of almost $10 trillion. And who is gobbling up that $10 trillion of risk? It is three huge banks: Citigroup, JPMorgan Chase, and Bank of America. It is three banks, nearly $10 billion, and $10 trillion is a lot of risky business. These banks will happily suck down the profits when their high-stakes bets work out, and they will just as happily turn to the taxpayers to bail them out if there is a problem. All of this is because the lobbyists persuaded Congress to do just one little favor in a must-pass bill.

Now, a year after the Citigroup amendment, there are rumors of new giveaways in the upcoming funding bill: rollbacks that would make it harder for the government to stop the next AIG from taking down the entire

economy, rollbacks that would exempt many of the 40 largest banks in the country from tougher oversight, rollbacks that would undermine the consumer agency's rules to clean up mortgage- and auto-lending markets, rollbacks that would stop the agency from protecting consumers rights if they are cheated on credit cards or checking accounts, rollbacks that would allow financial advisers to continue lining their own pockets while robbing retirees of billions of dollars.

Why are these rollbacks at the top of Congress's agenda? Are constituents flooding the phone lines begging their Senators to weaken the rules for financial institutions? Are they writing in by the thousands insisting that their Senators make it easier for people to get cheated?

Of course not—survey after survey has shown that hardworking Americans want stronger regulation of Wall Street and more accountability for CEOs who break the law.

But like so many things around here, this process isn't about doing what hard-working Americans want. It is about pleasing the rich and powerful who are lined up for special favors.

I know some of my Democratic colleagues are frustrated by all of the gridlock in Washington. They say: Wall Street accountability is important, but I just want to get something done around here for a change; so let's go along with the Republicans and the special interests. Well, yes, I want to get something done too. Who doesn't? But I didn't come here to carry water for Wall Street and a bunch of special interests.

If Republicans think it is time to talk about financial reform, then let's put it on the table. If the industry wants to push rollbacks, then I want to make it easier to send bankers to jail when they launder money or cheat consumers. If the industry wants to chip away at financial oversight, then I want to have a serious conversation on the record about breaking up the biggest banks. If they are too scared to have that conversation out in the open, then Senators shouldn't be handing out special favors behind closed doors.

The upcoming debate about a government funding bill is going to boil down to one question: Whose side are you on? Are you on the side of working families who got punched in the gut and want stronger rules for Wall Street or are you on the side of the giant financial institutions that broke the economy, got bailed out, and are once again trying to call the shots on Capitol Hill? Well, me, I am with the families, and I am ready to say no to the bank CEOs, no to the industry lobbyists, and no to all of their buddies here in Congress.

Mr. President, I yield the remainder of my time to Senator MERKLEY.

Mr. MERKLEY. Mr. President, I appreciate the remarks of the senior Senator from Massachusetts, who has brought so much personal research in the course of her career and passion and insight to this battle and who put forward the idea of the Consumer Financial Protection Bureau to provide oversight of these predatory practices and who has been such a watchdog about these practices.

I would just ask her before she leaves the floor, why is it that this discussion is happening right now, in terms of policy riders on must-pass spending bills, rather than happening in the light of day with a committee hearing—a banking committee hearing—where this can be fully discussed and debated?

Ms. WARREN. Well, the Senator raises the right question, but I think it is pretty obvious. If these proposals were debated out in public, where everyone in America could see and hear them, they wouldn't pass. People don't want to line up to vote for fewer restrictions on Wall Street. They do not want to line up to vote for more opportunities to cheat American families. So, instead, the idea is just tack it on something else that is going to move through. Then the question is, Will people vote to keep the government open? And that gives a lot of people in Congress who want to help the big financial institutions a lot of cover, and that is fundamentally wrong.

Mr. MERKLEY. One of the things we have a lot of concern about is making sure that predatory mortgages don't return. They were a key product in helping drive the collapse in 2007–2008. We are concerned those could return if the ability of the CFPB to regulate them is diminished by changing the government structure of the CFPB or shutting down the funds that enable it to operate. Would that be a good idea or a bad idea?

Ms. WARREN. You know, the CFPB works. It works to help protect America's families. It works to help level the playing field. Already that agency has been up and operational for just a little over 4 years, and it has forced the biggest financial institutions in this country to return more than $11 billion directly to families they cheated. It has handled more than 750,000 complaints against big financial institutions, against payday lenders, and against college loan services that are cheating people and that are tricking people.

So what is the response? Well, it is helping the American people, but it is costing a handful of the biggest financial institutions in this country real money, and they are trying to find a way to make sure the consumer agency doesn't do its job. They want to find a way to weaken that agency, to tie that agency down, and to keep that agency from leveling the playing field for American families.

Mr. MERKLEY. I know my colleague and I have talked about this—the number increases. I will say something like the CFPB has returned $3 billion, and my colleague will say: Oh, Senator, it is now $5 billion. And when I say it is $5 billion, my colleague will remind me it is now $8 billion. And here we are at $12 billion?

Ms. WARREN. I think it is $11 billion.

Mr. MERKLEY. So $11 billion in returns. I believe that number includes real cash returned to individuals but does not include the vast savings that have come from families who were never cheated in the first place.

Ms. WARREN. I think one of the most important parts of this is the consumer agency said—when credit card companies, for example, got caught cheating people, it said to those credit card companies: Look, you have people's addresses to be able to cheat them. Now you have people's addresses to send them checks to pay them back.

It is as the Senator said. It was like a warning shot to everyone else out there cheating consumers. It said that this agency is on the level. This agency is tough. So I think there are millions of Americans who don't get cheated, who don't get tricked in one scam or another because we have a real watchdog out there—someone who is on the side of the American family.

Mr. MERKLEY. I thank my colleague so much for presenting this idea before she came to the U.S. Senate and for helping—well, stepping in to be the initial Director, getting it up and running, and now being here to make sure we defend its ability to provide fairer financial products for America's families—products that enable families to build their wealth rather than having wealth-stripping scams hurt and destroy the finances of American families.

Ms. WARREN. I only want to add that I am grateful for all the work my colleague has done on behalf of American consumers and all the work he did to get the consumer agency through Congress and now to protect it when the big banks were coming after it.

So I thank my colleague Senator MERKLEY for all he did.

Mr. MERKLEY. I thank the Senator very much.

Mr. President, as we have heard from this colloquy—and I appreciate that BILL NELSON was here earlier, the Senator from Florida, to discuss his insights on these dark-of-night policy riders designed to restore the Wall Street casino and cheat American families. I appreciate the comments he brought to this and that JACK REED, the senior Senator from Rhode Island, has brought forward and ELIZABETH WARREN, the senior Senator from Massachusetts, each of whom made important points. So I will be brief because they have laid out most of the issues I will try to echo.

The key point is the debate over changing the rules for these powerful financial institutions should be debated in the open, in front of the TV cameras, in front of the American people, not in secret negotiation rooms and not in the dark of night, which is happening at this very moment, because a lot is at stake.

We found from before that when regulations were stripped away and the

Wall Street casino went wild, we ended up with a crash that destroyed the finances of millions of families, many of whom will never recover. They lost their homes, their dreams of homeownership. That has been shattered, and they are not going to get it back. They lost their job and have been derailed and will never get back on track. They lost their retirement savings, and they will never be able to rebuild them. In fact, that golden vision of retirement may be something they feel they will never be able to be a part of—that chapter of their life will never come.

So a tremendous amount is at stake, and these dark-of-night negotiations to repeal, to undermine, to delay the shutdown of the Wall Street casinos are just wrong. Let us have the debate in the committee where it belongs. This is critical for working families everywhere in the country and certainly in my home State.

Let me mention one of the riders, which is to take and allow the Volcker rule to be voided for some of the financial institutions. What is the Volcker rule? The Volcker rule shut down the Wall Street casino. It said banks cannot bet with taxpayer-insured deposits. If a group wants to make big bets on the future of interest rates or monetary exchanges or the quality of mortgages and so forth, they must do so with private wealth funds, where the only persons at stake are those who have invested in the fund. Don't do it with taxpayer-insured banks. That is one example.

A second example is that we need to keep the quality mortgages we have now so they do not return to being a predatory instrument. We had a legalized kickback scheme, and that structure meant mortgage originators were paid for steering families from a prime mortgage that would build their wealth into a subprime mortgage with an exploding interest rate which would destroy their wealth. We ended those kickbacks. Let us not let that happen again.

Let us not undermine the role of the Financial Stability Oversight Council. When we had this dramatic massive increase in subprime loans, starting in 2003 and going through 2007, nobody was watching. We need to have someone say: Look at that surge in subprimes. And because of that surge, what is going on? Is this creating a bubble? Is this a big bet that is going to go bust? Is this going to destroy families?

We actually had an agency that was responsible for controlling these predatory practices. It was the Federal Reserve, but the Federal Reserve, full of sophisticated economists, said: Well, we want to talk monetary policy. That is what we do up in the penthouse of the Federal Reserve building. So they put consumer protection down in the basement and they locked the door and threw away the key and said: You know, we have that responsibility, but we just aren't going to do anything about it, and they let predatory schemes run wild and destroy millions of American families.

Now we have an organization—the Consumer Financial Protection Bureau—that is the watchdog making sure the disclosures and the structures are fair and square for American families so we can build the success of those families. You cannot be for the success of American families and be for these secret, dark-of-night measures designed to destroy the effort to rein in this Wall Street casino.

I hope we will see a return to regular order, the type of regular order my colleague from Rhode Island talked about, the type of light-of-day committee discussions my colleague from Massachusetts talked about because this is so important to our future and the success of American families. Let's make sure we work together to build the wealth and success through fair financial practices, not special favors done for very powerful institutions that are designed to exploit and operate as predatory measures to strip the wealth of American families.

I thank the Chair.

The PRESIDING OFFICER (Mr. LEE). The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to speak in support of repealing ObamaCare and replacing it with a step-by-step approach that restores choice and competition to consumers. The problems with ObamaCare are legion and have often been reported in the media and identified on the floor of the Senate.

I know we have all heard from our constituents. Hundreds of thousands have written and called all of our offices and, as a matter of fact, I will read one of the letters that came into my office—or at least part of it. It is addressed to me and starts out saying:

> I'm sure I'm not the first one to contact you about rising health insurance deductibles. I have had this job for 3 years. The first 2 years my company plan had a $3,000 yearly deductible with no copay.

So he had a $3,000 yearly deductible with no copay. He continues:

> Last year, it went to $4,000 with a 20 percent copay.

Again, it goes from $3,000 to $4,000 in annual deductible and it goes from no copay to a 20-percent copay.

> This coming year, 2016, it will go to $6,700 with a 20-percent copay.

So in just 3 years it goes from a $3,000 yearly deductible with no copay to $6,700—more than double—with a 20-percent copay.

He goes on:

> Even before my current job, I had a Blue Cross North Dakota policy that had a $2,000 deductible and a very fair monthly premium. I have always had good health insurance. Now I have an essentially worthless policy.
>
> I had bone cancer in my pelvis 1½ years ago. Had to go to Mayo and have my left pelvis removed. I have spent the last 18 months learning to walk again. Doctors weren't able to reconstruct it.
>
> I will have twice yearly follow up cancer screenings for the next several years. These follow ups cost about $3500.00 each. So I spend $7000.00 a year, which is all of my deductible.

He goes on:

> What are you doing to make changes to this health care act?

He clearly identified what consumers across the country are experiencing. This is just one example. I have many more, as do all of the Members of this body.

As bad as ObamaCare is for them, it is going to get worse. In 2016, consumers will see significantly higher premiums yet again. Premiums for the lowest cost silver plan will increase by 13 percent, and the lowest cost bronze plan will rise by 16 percent on average.

That is not all. The inaptly named Affordable Care Act has led to higher out-of-pocket costs for older, middle, and lower income Americans as well. Today, the average deductible is more than $2,000 and for some it exceeds $6,000, discouraging people from seeking necessary care.

The law is also resulting in fewer choices. Employers are already reducing benefits for many family members. By 2018, more than half of employers plan to significantly reduce benefits for employees' children and spouses.

While many are seeing higher premiums and deductibles with fewer choices, ObamaCare has created dozens of new taxes that ultimately are passed down to small businesses and consumers. The Congressional Budget Office has estimated that ObamaCare will increase taxes by $1.2 trillion over the next decade.

The result is fewer jobs. Simply put, employers are already cutting jobs or reducing hours to part time to avoid the higher costs of ObamaCare.

I do believe there is a consensus across the Nation that we need health care reform, but ObamaCare is not the answer. Americans want commonsense reforms—reforms that truly are affordable and that truly do empower patients to make their own choices. In the short run, we need to pass budget reconciliation legislation that repeals ObamaCare, and, in particular, the individual and employer mandates. In the long run, we need to take a step-by-step approach to put individuals, families, and businesses on a path to better reforms. The right approach to health care reform empowers people to make their own choices in selecting health care providers and insurers that is patient centered and respects the relationship between doctor and patient. The way to accomplish that is with a market-based plan that creates more competition and reduces health care costs.

Here is what we could do: To foster competition and reduce health care costs, we can do things like expand tax-free health savings accounts, flexible savings accounts, and Archer medical savings accounts to encourage individuals to save for future health care needs. Combined with high-deductible, low-premium policies, people will be

able to meet their immediate health care needs and still be protected in the event of costly, serious illness.

We should provide portable health care plans so that individuals and families don't experience gaps in coverage when they change jobs. These plans could be given favorable tax treatment. For example, they could be treated as tax-preferred accounts so that dollars towards premiums could receive tax-exempt treatment. We should allow health care policies to be sold across State lines. This would result in more choices, more competition, and reduced costs for customers. We should give States more flexibility to manage Medicaid for low-income individuals and families. We should ensure affordable health care options are available to those in need and certainly those patients with preexisting conditions. That means bolstering State high-risk pools to make sure everyone has an opportunity to be covered.

ObamaCare is far from being the panacea it was promoted to be. The sticker shock hasn't faded. On the budget reconciliation we now have a real opportunity to turn the page on a failed experiment so that we can take steps toward replacing it with something the American people want.

I urge my colleagues to get behind the effort so we can start that process.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

GMO LABELING

Mr. TESTER. Mr. President, I want to talk a little bit today about food, transparency, and consumers' rights to know what is in their food.

As many folks in this body know, in my real life I am a farmer. I get to see exactly where my food comes from. Last month, I spent some time butchering and processing beef, knowing exactly where that came from. I like that. But not all Americans have the ability to know where their food comes from.

A few months ago, in July, the House passed a bill called the Safe and Accurate Food Labeling Act. It couldn't be anything more different from that, by the way. It basically denies Americans the right to know what is in their food by prohibiting the Federal Government, States, and municipalities from imposing any labeling standards that deal with genetically modified food.

I come from a State where transparency is very important. It makes our government work better. For the Federal Government in this case to undermine States and municipalities and not allow the consumer to know what is in their food—it is exactly the wrong step to take.

So why am I bringing this subject up today? I am bringing it up today because, quite frankly, there is some talk about air dropping an amendment that would allow the DARK Act to go into effect. It is not a bill we have debated on the floor to my knowledge. I don't know that it has even been heard in committee. But the bottom line is that this is bad policy.

The arguments would be that it is confusing; it is going to be expensive. That is bunk. Consumers are smart. They pay attention to what they eat. If you give them the ability to choose and the ability to know what is in their food, they will make the decision—which is their decision to make—on what they are going to feed their family and what mothers are going to feed their children.

It goes against everything this country stands for about letting people know we do have a great food system in this country. So let's be proud of it. Let's label it. Let's talk about what is in it. Let's let consumers have the choice. Consumers are smart, and they will absolutely make a choice that is best for their family.

Food is very important. Food, in my opinion, is medicine. If you know what you are eating, you will have a healthier family. If you pay attention to these kinds of things, your health care costs will go down.

The truth is that other countries require GMO labeling—countries like Russia, China, Saudi Arabia—not exactly countries that we would think would be very helpful to their consumers or transparent. But they think it is important to label it. We ought to here in this country too.

Big Money is coming in here saying: We don't want the consumers to know if they have GMO products in food; we want consumers to be ignorant. That is not something this body should do. Let's give consumers the information they deserve. Let's allow this labeling to move forward, as Vermont has already done. Other States like Maine and Connecticut also are taking steps in that direction.

The bottom line is, to put in an amendment that stops States or municipalities from requiring labeling is a step in the wrong direction. It is not fair to consumers, and, quite frankly, it is not fair to the folks who produce food in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I want to talk a little about the legislation before us to repeal and replace ObamaCare, otherwise known as the Affordable Care Act.

When I travel around my home State of Ohio, I hear about a couple things a lot. One is the tough job market and flat wages, which makes it difficult to get ahead. The other is—and it is related—escalated health care costs. People are seeing in their lives that it is tough to find that job, and if they do have a job, they are finding their wages aren't going up as they would normally expect. Unfortunately, when we look nationally this is true. Wages on average are not just flat; they are slightly down. In other words, they have declined, which is not typical. On the other hand, expenses are up, and the biggest expense: health care.

So the middle-class squeeze is very real. It is affecting the people I represent as they see, again, unusually low wages, not the growth that we normally expect on the one hand, and on the other hand higher expenses, with health care taking the lead in those expenses.

Today in the Senate and tomorrow, as we debate this and vote on it, we have a chance to move the ball forward and show people that at least a majority in the Congress agree we ought to address this issue—the health care issue, of course—and try to stop the incredibly fast increase in premiums, deductibles, copays. Families, small businesses are getting hit hard. Also, we can help give the economy a shot in the arm by coming up with smarter ways to deal with health care.

This vote will show there are some in Congress who are listening and have some answers. Our job is to do what is right, and that is to pass this legislation to repeal and replace ObamaCare, to give us a chance to get rid of some of the most detrimental aspects of it that are eliminating jobs, that are pushing health care costs higher and higher.

The legislation—the Affordable Care Act—was sold as actually reducing costs. It was sold under false pretenses.

Specifically, the President said it would bring down premiums. He talked about it going down $2,500 on average per family. No; in fact, premiums are going up.

We were told Americans would be able to keep their insurance. Of course, millions have lost their health care insurance.

We were told that if you have a doctor whom you like, you can keep your doctor. Of course, a lot of people are now being told that under their new plan, they can't keep the doctor they have had.

We were told the Affordable Care Act could keep our economy strong, that it would grow jobs, create jobs. Instead, again, it has made things worse. If we look at the economy and what has happened, a lot of the issue is that people have given up looking for work. The so-called labor force participation rate is the lowest it has been since the 1970s—over 30 years. Some of that, again, is because we have this weak economy. Some of that is because a lot of the jobs that are available are part-time jobs, and the Affordable Care Act encourages part-time work, as we will talk about in a second.

So the results are in. We have seen it. We have seen that ObamaCare, with its mandates and centralized control, its top-down approach, has made it more difficult to get a job and has increased health care costs for families and small businesses—not the right way to provide quality health care for the people I represent in Ohio.

I hear stories every day. Sometimes they come in through our Web site, sometimes people call, sometimes I just run into people, and they tell me

their stories. I got one this morning. We have our weekly Buckeye coffee, where we bring in people who are here in Washington from around Ohio to talk to us about their issues. I ran into a small business owner, very typical—a manufacturer in this case. He said: ROB, my margins are between 2 and 3 percent. In other words, that is what my profit is, and yet I am seeing my health care costs go up by double digits every year. It just doesn't work. I can't make ends meet. I am having to pass this along, either to my employees with higher premiums, higher deductibles, higher copays, or to try to pass them on to my customers. But I am in a very competitive market and I can't really do that. That could mean having to lay some people off, downsize the business.

Take another small business owner who wrote to me recently who said this is going to hurt his business. He said he is going to have to tell his 35 employees their insurance will be canceled and that the cheapest replacement policies would include a 35-percent increase in premiums as well as a 33-percent increase in deductibles. This is another small business in Ohio.

Take the father of five who saw the cost of his family's insurance double under the Affordable Care Act or the man who saw his $100 deductible go to $4,000. Does that sound familiar? There are probably some people listening tonight who had that same experience where their deductible goes up so high, it is almost like you don't have insurance. This guy said he saw his deductible soar to $4,000 while his premiums went up to $1,000 a month.

Batavia is in Clermont County, OH, right near my home. Recently, a woman from Batavia wrote to me and said:

> I am a single mother. I pay for my own health insurance. I am active and fit. I have cycled over 4000 miles this year. I am seldom sick. In the three years that I've paid for my own insurance, I went to the doctor once for illness. My rate was $146 [a] month. In September, I received a letter from Anthem saying my plan does not meet the requirements of the Affordable Care Act and will be discontinued. I was offered the same coverage for $350 per month.

This is a real problem for this single mom, but it is for families all over Ohio. I am concerned about the impact on those families, concerned about the impact on our small businesses. I am also concerned about the indirect impact on employees who work for those small businesses.

We talked earlier about the fact that there is more and more part-time work and that jobs are hard to come by in Ohio. More and more small businesses in Ohio are becoming what they call 49ers or 29ers. Forty-niner refers to the fact that employers sometimes feel they have no choice but to freeze their growth, and they are hiring at 49 employees rather than 50 employees because when you hit 50, you come up with new requirements and mandates under ObamaCare.

Others have tried to reduce the hours their employees work. If you work less than 30 hours a week, you are not covered by the mandates under ObamaCare. So some employers have reduced hours from 40 hours to 29 hours. Those are the 29ers. That is one reason full-time work is harder to come by.

It is no surprise to me that the underemployment figure—those working part time but wanting to return to work full time—has been on the rise. When you see the jobs numbers coming out every month, look at the number of people who are part time rather than full time. It is concerning. Some of this has to be driven by what is happening with the Affordable Care Act. I am certainly hearing about it. I am certainly hearing about it from people on the ground, real-world situations. It is sad.

This morning I talked to Todd, the president of a small manufacturing company, and he talked about a double-digit increase in his health care expenses. Mike from Westlake wrote to me and said:

> I own a small business. Our health insurance rates for single employees under 30 went from $198 per month last year to $560 per month this year. That's a 260% increase thanks to ObamaCare! This bill is going to put small businesses out of business.

This one is from Tim in Canton. He said:

> The ACA fees being charged to us are $3,250 per year for 11 covered employees, which will be passed on to them. We are paying for the insurance premium increase of $15,186 by reducing our year-end bonus program. We also are offering an even higher deductible plan than we have now. (I will take the higher plan to lower the overall cost to soften the blow for my staff).

This is an interesting one because it is what I hear around Ohio. They are discontinuing their bonus program because of this. Other companies say we are discontinuing a research project. Others say we are discontinuing our match on our 401(k). Others say we are just plain cutting back; in other words, not hiring as many people as they would have.

It is happening out there. I know some economists have debates on this issue, but I hope they are talking to people in the real world who are being affected by this Affordable Care Act, the top-down approach, the mandates, and the inflexibility.

Not only are these small businesses affected by these new mandates, but a lot of them are now subject to one of the new taxes included in the Affordable Care Act. I think there are 21 new taxes in the Affordable Care Act. One of them is a tax on medical devices. This is an industry that is very important to Ohio and to our country. We have had a competitive edge in medical devices. We have a lot of great innovators in this country, including my home State of Ohio. We have been able to not only create some great opportunities in this country but we are exporting medical devices around the world. It is hard to overstate the impact the industry has on our State of Ohio and the ripple effect through our communities.

Over the past decade, we have added about 370 new bioscience and medical device companies in Ohio alone. It has been a growth area. These companies have brought high-paying jobs. I am told that for every one job, they create another 2.3 additional jobs. I visited a lot of these companies around the State of Ohio. I have been to companies in Cleveland, Cincinnati, and Columbus. Recently, I visited Zimmer Surgical, which is a company that employs about 300 workers in Dover, OH. They expressed the same concern I have heard at all these other companies I talk about, which is that this new tax under the Affordable Care Act makes it hard for them to be able to compete.

It is a very interesting tax. Normally you would have a tax on profits. If a company makes money, it pays taxes on those earnings and those profits. This is a tax on revenue, whether there is profit or not. It is an excise tax. Since this tax has taken effect, the companies I am talking about have seen a decrease in their operating margins. They are resulting in fewer jobs, they tell me, and less investment in the United States. Again, a lot of them say they are cutting back on research because they cannot afford to do the research they used to do because of the excise tax on their revenue—again, not on their profits, the money they are making, but just their revenue. That means their seed corn, as they call it, is being cut back.

I talked about the great innovation and the fact that this has been a cutting-edge industry for us in Ohio and around the country. The seed corn is research. That is what makes America a cutting-edge country in terms of these great medical device companies. A bunch of them are cutting back on research and that concerns me. Some have gone overseas. Some have moved their research overseas, even though they stayed headquartered in the United States.

If this tax continues, some have told me that they will be forced to close down manufacturing facilities. At a time when we need, more than ever, more made-in-America products in innovation, the medical technology industry is one where we are a leader on the world stage, and we should not be coming up with this kind of burdensome tax. That is why I am so glad that on this legislation that we will vote on tomorrow or the next day, that we will have the opportunity to repeal the medical device tax. By the way, there is a bipartisan consensus around that, I think. I know a lot of my colleagues on the other side of the aisle have talked about the need for us to do that as well.

If we do not do that, we are going to find out we have lost ground. Again, this goes to our economy. One thing that concerned me was that the founder of Zimmer Surgical in Dover, OH,

told me that had this tax been in place when he started his company, he doesn't think he ever would have made it off the ground. I talked earlier about the number of new startups. This is going to keep some of those startups from taking root in the first place and creating those jobs and opportunities.

Repealing a job-killing medical device tax, therefore, is a great step forward to promote policies to get Americans back to work. Even though we need to repeal these top-down mandates we talked about and get rid of some of these taxes that are so onerous on workers and hurt our economy, I don't think we should go back to the pre-Affordable Care Act status quo. I don't think it is enough to say we should repeal this bad law. I think we also should say: Let's come up with a better way to deal with health care costs. Health care costs are going to be a big problem unless we deal with them in a much more sensible way than the Affordable Care Act does. I think real reform is needed. It must be patient-centered. In other words, it must be about the patient giving them the incentive to be able to save costs by focusing on prevention and wellness, focused on their families, focused on what they need for themselves and family rather than these mandates that say you can't have this insurance policy you had for years, as this young woman in Clermont County told me who has seen her premiums go up so dramatically. She had a policy she was very happy with. Let people have the policies they want for themselves and their families.

Let's have less government and bureaucracy and more focus on patients. Let's be sure it is responsible in terms of keeping the tax burden down and does not kill jobs as the medical device tax does. ObamaCare should be repealed. It should be repealed and replaced with a system that actually works. The failures to ObamaCare actually point the way as to how we can do that. As I said, patient-centered, costs should be the focus. There are steps we can take—and take them today—to remove some of the shackles of government regulations from the market and help make health insurance and health care less expensive. We should start by allowing health care to be sold across State lines. Let's be sure we can compete, and the people who live in Cincinnati, OH, can get health care across the river in Kentucky or across the border in Indiana. It makes no sense. Some people live in Indiana and work in Ohio and vice versa or work in Kentucky and live in Ohio and they only get health care in the place where they live.

We should be able to look for our health care in New York or California. Whatever works best for our family. Make these companies compete for our business. We should take commonsense steps to rein in the staggering costs of frivolous lawsuits. This could save billions and billions of dollars in our health care system. There is a CBO estimate of the cost to the Federal Government that could be saved alone. It is tens of billions of dollars, but the medical profession will tell you it is more like hundreds of billions of dollars as it applies to all of us. That will help to make health care more affordable.

We should cover more Americans by creating a healthy, vibrant individual health care market, giving people a tax incentive to purchase health care insurance comparable by the incentives they receive at their employer-provided plan. Why shouldn't they have that same opportunity in the individual market that is part of the way you cover more people?

The sad truth about ObamaCare is that the coverage numbers are very disappointing, even to those who strongly supported the bill. Why? Because what has happened is that some people have gotten coverage, but others have lost coverage. The estimates by the Congressional Budget Office are that still 10 years after this legislation is in place there will be something like 30 million Americans without coverage.

We can do it and do it in a more cost-effective way and be sure people do have the opportunity to have access to quality health care. The bill we have before us this week will take that first step at removing the shackles of government regulation and put the country on the path forward to real health care reform. Not only does the legislation remove the mandates ObamaCare placed on individuals and businesses to purchase insurance, but it also rolls back some of the new programs, while giving the new President, the next President, and the new Congress, the next Congress, the time to be able to enact alternative reforms that will ensure all families have access to quality, affordable health care. It has to be a top priority to actually come up with not just repealing what is there but replacing it with something that makes more sense for families in Ohio and around the country.

I look forward to this vote and this debate because it gives us an opportunity to send to the President sensible legislation that gets rid of so many of the detrimental impacts of ObamaCare and sets us down the path of debating about what that future ought to be.

Some Democrats have said: Why are you doing this—because the President said he will veto it. I would ask them to look at what the majority of the American people are saying, which is that they do not believe the Affordable Care Act is the right way to go. I guess I would look at the fact that the majority in the Senate may feel that way as well. We should represent those folks back home. Because the President doesn't support it doesn't mean we shouldn't act and do what is right. Every President who served in this great country has had the opportunity to veto legislation coming from Congress. It doesn't mean Congress shouldn't send them legislation. I hope the President will not veto it. He probably will. It doesn't mean the Senate shouldn't act. I am glad we are acting.

I stand ready to work with my colleagues going forward on both sides of the aisle to enact real reforms that do provide the people I represent and people all around this great country the access to the quality care they deserve.

Mr. President, I yield my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, for those who are keeping score, this is the 17th time that the Senate will be asked by the Republicans to vote to end ObamaCare, and they have added to this to defund Planned Parenthood. As one individual said the other day, here is a breakthrough press release: President Barack Obama is not going to end ObamaCare. That seems pretty obvious. So this is a political exercise. It doesn't solve the problems of America. It doesn't even address the problems of America.

The Affordable Care Act finds health insurance for 17 million Americans. We have reduced the number of uninsured Americans by 45 percent with this bill. The Republicans have opposed it from the start, never providing a single vote in support, never willing to sit down after it was passed to talk about changes that would make it even stronger or better. They want to end it. It is ObamaCare. It has the President's name on it—enough said for many of them. They want it to go away.

The reality is if it goes away, so does health insurance protection for millions of Americans. So you would expect that the Grand Old Party, the Republican Party, would have an alternative for us, right? Wrong. They have never come forward with any alternative that would provide coverage for these millions of Americans and the others who should have health insurance coverage as well. It just tells you that they are prepared to go back to the bad old days before ObamaCare and the Affordable Care Act.

Remember those days? Remember when a health insurance company could say to you: Sorry, you happen to have a sick child in your family, and we are not going to give you health insurance. Preexisting conditions were enough to say no, and if they said yes, it was at a premium that an average family couldn't even consider. We ended that discrimination against families and sick children. We ended it.

The Republicans today want to go back to those good old days when health insurance companies could turn you down in a New York minute and say: There will be no health insurance for you or your kids. They want to go back to those good old days. They are wrong.

They want to go back to the days when a family's health insurance plan wouldn't cover the graduate from college until he reached the age of 26. That is what the Affordable Care Act

does. It says that a family can keep that youngster—young man or woman—on their health insurance plan for their family while they are looking for a job, serving an internship or have a part-time opportunity.

I will tell you, as a father who has raised three children, I can remember those days after college when those kids didn't have coverage, and I used to ask them about that. I asked my daughter, Jennifer: Do you have health insurance now? She said: Dad, I don't need it; I feel just fine. That is not what a father wants to hear. The Republicans want to return to those good old days when those young men and women, after just having graduated from college, had to buy their own health insurance and couldn't stay on the family plan.

What about senior citizens with prescription drugs? The Affordable Care Act, which they want to repeal, helped seniors pay for their prescription drugs. They want to go back to the bad old days when seniors had a gap in coverage and had to go to their lifesavings to buy lifesaving prescription drugs. Those are the good old days that the Republicans want to return to. Well, those days weren't so good, and they certainly shouldn't return.

We have seen for the last 5 years the slowest rate of increase in health care costs in the last several decades. We have slowed down that rate of growth. We can do better. We should work together to do better on a bipartisan basis.

But instead, we are faced with a 17th vote by Republicans in the Senate to eliminate ObamaCare, to return to the old days of discrimination because of preexisting conditions and to take your kids who have graduated from college off your family health insurance plan. That is what they want to go back to.

America is not going to let that happen. Thank goodness this President won't let that happen. But we are going to waste several days on the floor of the Senate while they go through speeches that have been carefully rehearsed and delivered 17 different times with the same ultimate result, and nothing is going to happen. Instead, they should join us in a bipartisan effort to make the Affordable Care Act even stronger, fairer, and to help people have affordability and access to health insurance.

SHOOTING IN SAN BERNARDINO

Mr. President, earlier today there was a mass shooting in San Bernardino, CA. News reports are saying that up to three heavily armed gunmen attacked a social services center that helps developmentally disabled people and their families in the community.

Preliminary reports say that there have been 14 people killed and 14 wounded, although we don't know the exact number yet. There are videos of wounded people actually lying in the streets. The suspects apparently fled the scene in a black SUV, and a manhunt is underway.

This story is horrific, but it is also horribly familiar. There have been over 350 mass shootings in America this year. On average, 297 Americans are shot every single day, 89 fatally. Listen to this grim and sad statistic: There have been over 50 school shootings this year in America.

Our thoughts and prayers are with the victims and first responders in San Bernardino. But they and all the victims across our country deserve more than our thoughts and prayers. They deserve action. It is time for Congress—in a level-headed, commonsense moment—to vote on and pass legislation to protect innocent people across America from this horrific gun violence.

SYRIAN REFUGEES

Mr. President, I don't know if it was George Washington who said—although I think he is given the credit—when describing this institution of the Senate: It is the saucer that cools the tea.

I served in the House for 14 years and was proud to do it. We were elected every 2 years. It was a more volatile atmosphere because we were constantly running for reelection. The Senate is a different institution, with 6-year terms and a little more reflection, I hope, in what we do. I hope that we take the time that is necessary to exercise our constitutional opportunity here and think things over clearly and not react emotionally.

Well, it was about 2 weeks ago when the House of Representatives took action on the Syrian refugees and passed a measure that would give what they called a pause to receiving Syrian refugees in the United States. It was a heated moment. It was after the terrible tragedies that occurred in Paris and Beirut, and there were concerns about ISIL and the spread of their terrorist ways around the world. It was an emotional moment that really needs some reflection.

The simple fact of the matter is this. Over the last 4 years, during the course of the Syrian war, the United States has received about 2,000 refugees from Syria into our country. It is an elaborate, lengthy process.

Mr. President, I ask unanimous consent to have an article from last weekend's New York Times, which outlines all of the steps that need to be taken in order for a Syrian refugee to enter the United States, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 20, 2015]

WHY IT TAKES TWO YEARS FOR SYRIAN REFUGEES TO ENTER THE U.S.

(By Haeyoun Park and Larry Buchanan)

Syrians must pass many layers of security checks before being admitted to the United States, a process that can take two years or longer. In most cases, the refugees do not enter the United States until the very end. They are also subject to an additional layer of checks beyond those for refugees of other nationalities; after the Paris attacks, the House voted to further tighten screening procedures. Since 2011, the United States has admitted fewer than 2,000 Syrian refugees.

1. Registration with the United Nations.
2. Interview with the United Nations.
3. Refugee status granted by the United Nations.
4. Referral for resettlement in the United States. The United Nations decides if the person fits the definition of a refugee and whether to refer the person to a country for resettlement. Only the most vulnerable are referred, accounting for fewer than 1 percent of refugees worldwide. Some people spend years waiting in refugee camps.
5. Interview with State Department contractors.
6. First background check.
7. Higher-level background check for some.
8. Another background check. The refugee's name is run through law enforcement and intelligence databases for terrorist or criminal history. Some go through a higher-level clearance before they can continue. A third background check was introduced in 2008 for Iraqis but has since been expanded to all refugees ages 14 to 65.
9. First fingerprint screening; photo taken.
10. Second fingerprint screening.
11. Third fingerprint screening. The refugee's fingerprints are screened against F.B.I. and Homeland Security databases, which contain watch list information and past immigration encounters, including if the refugee previously applied for a visa at a United States embassy. Fingerprints are also checked against those collected by the Defense Department during operations in Iraq.
12. Case reviewed at United States immigration headquarters.
13. Some cases referred for additional review. Syrian applicants must undergo these two additional steps. Each is reviewed by a United States Citizenship and Immigration Services refugee specialist. Cases with ''national security indicators'' are given to the Homeland Security Department's fraud detection unit.
14. Extensive, in-person interview with Homeland Security officer. Most of the interviews with Syrian refugees have been done in Amman, Jordan and in Istanbul.
15. Homeland Security approval is required. If the House bill becomes law, the director of the F.B.I., the Homeland Security secretary and the director of national intelligence would be required to confirm that the applicant poses no threat.
16. Screening for contagious diseases.
17. Cultural orientation class.
18. Matched with an American resettlement agency.
19. Multi-agency security check before leaving for the United States. Because of the long amount of time between the initial screening and departure, officials conduct a final check before the refugee leaves for the United States.
20. Final security check at an American airport.

Sources: State Department; Department of Homeland Security; Center for American Progress; U.S. Committee for Refugees and Immigrants.

Mr. DURBIN. It starts with registration with the United Nations, interview with the United Nations, refugee status granted by the United Nations, referral for resettlement in the United States, interview with State Department contractors, the first background check, higher level background checks, another background check, fingerprint screening with a photo taken, the second fingerprint screening, the third fingerprint screening, the case reviewed by U.S. immigration headquarters and

then in some cases referred for additional review, extensive in-person interviews with Homeland Security officers, and then—and only then—could Homeland Security approval be required. At that point the potential refugee is screened for contagious diseases, goes through a cultural orientation class, matched with an American resettlement agency, goes through a multiagency security check before leaving to enter the United States, and then faces a final security check when they arrive at an American airport.

I am entering this into the RECORD because those who are suggesting that we are taking Syrian refugees without appropriate screening are not aware of the reality. It is a process that takes 18 to 24 months, and in the 4 years we have accepted about 2,000 Syrian refugees, not a single one has been found to be involved in a terrorist activity.

We accept about 70,000 refugees in the United States each year, and I am glad that we do because for some people in some parts of the world, it is the only place they can turn to.

The public reaction against the House action that bars Syrian refugees is interesting. There was a Congressman, and I don't know him personally, but his name is Congressman STEVE RUSSELL of Oklahoma.

This is according to the POLITICO article:

He voted for the bill with serious reservations but in the hopes of affecting the debate as it moved ahead. If the existing bill were to come before the House again, ''I would vote against it,'' Russell said. ''I think it creates impossible barriers to refugees.''

Just 2 weeks ago, he voted for it, but he has thought it over. Why? This article says:

For Russell, the issue is personal. One of his close friends is an American citizen who was trying to get his mother out of Syria. The mother died this past summer before she could leave that war-torn country. Out of respect for his friend's privacy, [Congressman] Russell [of Oklahoma], a retired Army lieutenant colonel, declined to offer specifics, including exactly what happened to the woman. But he said: ''I'm certain had he been able to get her to the United States, she would still be alive.''

[Congressman] Russell urged [his fellow] Republicans in the Senate to think carefully before supporting the House bill, saying they should not get refugees confused with the broader issue of immigration. He pointed out that in the past the U.S. has denied entry to people in need of help, including Jews [who were] fleeing the Nazis [in Europe during World War II].

''We have had dark periods when we have done this in the past,'' he said. ''History never judges it kindly—never.''

That was a quote by Congressman RUSSELL, a Republican from the State of Oklahoma.

I think it is important to note, too, that ''in a letter to lawmakers released [yesterday], a group of national security experts, including figures prominent in Republican circles such as former Secretary of State [Henry] Kissinger, retired Gen. David Petraeus and former Homeland Security Secretary Michael Chertoff, urged [us] to stop the House bill.''

''Refugees are victims, not perpetrators of terrorism,'' the signatories wrote. ''Categorically refusing to take them only feeds the narrative of [the Islamic State] that there is a war between Islam and the West, that Muslims are not welcome in the United States and Europe, and that the [Islamic State] caliphate is their true home.''

Perhaps the saucer is cooling the tea, and perhaps the Senate will have the good sense not to follow the action of the House of Representatives in passing this provision.

I have two other items to add to the RECORD before I yield the floor to my colleagues who have gathered here today.

The first is an article that comes out of the city of Chicago, which I am honored to represent. 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 Chicagoist.com, Dec. 1, 2015]

MEET THE NUNS WHO ARE PREPARING THEIR WEST RIDGE HOME TO TAKE IN SYRIAN REFUGEES

(By Tony Boylan)

Three nuns living in West Ridge plan to take in a Syrian refugee family not just with the blessing of their local community, but at its urging.

Despite Illinois Gov. Bruce Rauner's decision last month to join a number of other state governors in vowing to make it tougher for Syrian refugees to resettle in the U.S. in the wake of a recent terrorist attack on Paris, these women are preparing their home to make life a little easier for a refugee family.

The sisters, part of the Society of Helpers, live in a historic home once owned by the Dr. Scholl's Family with a finished basement they in the process of turning into a family apartment. The Society is an international order with progressive values based on the teachings of St. Ignatius. In other words, they get their hands dirty working with lots of issues other people of faith aren't always quick to embrace; the homeless, addicts, teenage mothers, domestic violence and those most in need of support and assistance.

From their mission statement: ''As contemplatives in action, we don't just pray for social justice and for peace—we make it our life's work.''

Putting their faith in action, the sisters moved swiftly to ready themselves to provide shelter to a refugee family they think could be with them as soon as January. Political leaders can debate and demagogue on the issue all they'd like, but the sisters don't care about that. Their faith declares what it declares, they say, and offering help is their faith.

''We would rather not make our decision on fear, we would rather make our decision on compassion,'' said Sister Mary Ellen Moore, a registered psychologist and one of three nuns who lives in the house. ''We were certainly disappointed in Gov. Rauner's statement on this issue. That kind of mentality if frightening and we know what it's led to in Europe and in other places in the past. It's really very sad.''

The plan predates the attacks in Paris, which have somehow been blamed on refugees—the same people trying to flee the horrific powers behind the carnage. The nuns and the members of St. Gertrude's parish in Edgewater took to heart the Pope's call for every congregation in America to help ease the international crisis and find a way to accommodate refugees.

The sisters do find it important to note that this isn't an entirely free ride. Refugee families from Syria, or anywhere else, are required as part of their status to obtain work almost immediately after getting settled. Catholic Charities will assist them with that. The family will also be asked to contribute something for electricity and other utilities in due time, and after a store of donated food is exhausted, the family will rely on its own income and some help from charity for food.

In this case, though, a family couldn't ask for hosts more qualified and prepared to help them assimilate. And the sisters think the multicultural nature of their neighborhood—near Devon Avenue and Loyola University—will be helpful.

Members of the parish, where the sisters attend church, but have no official attachment, almost immediately began collecting donations of money, furniture, bedding, kitchen supplies, and all the mundane things a family starting over with nothing might need to get by. (There still is a need for everything except clothing, which will wait until they know who is coming and can collect items appropriate to ages and size. Any help is appreciated and can be donated through either the Society of Helpers Facebook Page or website.

It's not as if the parishioners or sisters are entering into this without thinking through any potential risks. It's just that they know the risks are being wildly overstated and their mission is clear.

A letter written by parishioner John Neafsey was circulated among church members recently read, in part:

''Security concerns are understandable in the aftermath of the Paris attacks. But our understanding is that there is already a thorough and lengthy screening process in place for checking the backgrounds of refugees (agreed upon between the UNHCR and host countries, including the U.S.) prior to approving them for resettlement to the United States. We believe that an arbitrary refusal to allow Syrian refugees to come to our state is unnecessary, unfair, and un-Christian. This would needlessly scapegoat and penalize innocent men, women, and children who are fleeing violence and persecution. It deprives them of the chance to get a new start in a safe place where they are welcome. The motto of our parish is 'All Are Welcome.' For us, ''all'' includes Syrian refugees, whether they are Christian or Muslim.''

While neither the church members nor the sisters want this matter to be political, they understand the climate that has been created.

''It's very sad people just jump to judgement because people are different,'' said Sr. Jean Kielty, Director of the House of Good Shepherd and a social worker who has aided the homeless for a quarter century. She shares the house with Sister Mary Ellen, Sister Anna Maria Baldauf, and their dogs, Mocha and Snowball.

''This is just a different kind of homelessness—a more tragic one.''

There is a one ramification Sister Jean is concerned about, though: ''I'm not sure if my family will come visit me anymore.''

Here's a little more information about the nuns behind this initiative and the residence where they are providing a basement apartment to a refugee family next year:

JEAN KIELTY, SH

As a social worker, Jean's ministry has focused on addressing homelessness in the Chicagoland area for more than 25 years. She

has served as Director of Interim Housing with Catholic Charities of the Archdiocese of Chicago and is currently the Executive Program Director of the House of Good Shepherd. Jean is the founder and current chairperson of the board for Casa Esperanza, a transitional housing program for women and their children located in South Chicago. Jean is one of three leaders of the U.S. Province of the Society of Helpers and resides in her West Ridge home with two other Helpers and their dogs.

MARY ELLEN MOORE, SH, PH.D.

Mary Ellen is a registered psychologist and co-founder of Claret Center in Hyde Park that offers psychotherapy, workshops, and professional development that support wholeness in mind, body, and spirit. In addition to her advisory role at Claret Center, Mary Ellen provides psychotherapy and supervision to clients and students and is the director of training for the practicum at ''The Circle,'' a Helpers-sponsored resource center for Latina immigrant women in Brighton Park. Mary Ellen served served two previous terms as the Helpers' U.S. Provincial from 1985–1995 and another term from 2008–2014.

THE MILLER HOUSE

This West Ridge modified Georgian Colonial Revival was built by the Hutchins Brothers in 1911. In 1923, the Hutchins family sold the home to Frank Scholl, brother of Dr. William M. Scholl who founded the company Dr. Scholl's. Frank joined the business in 1910 and oversaw European operations. Featured on the 1996 Annual Fall House Tour and the 2013 Annual House Tour, this historical home boasts 5000 square feet with 5 bedrooms, 5.5 bathrooms and related living quarters.

Although this ''large home'' has undergone changes with each of the five previous owners, it maintains many qualities of its original historic charm. The Society of Helpers purchased the home in 2014, planning to utilize its space to welcome other Helpers visiting from around the world. They were thrilled to be able to offer the related living quarters to a Syrian refugee family when their parish, St. Gertrude, and Catholic Charities provided an opportunity to present a family in need of a safe home.

Mr. DURBIN. The article talks about a house in West Ridge, Chicago. It is a place where an order of Catholic nuns called the Society of Helpers has a house that they have turned into a refuge for homeless people. They have announced that they are going to accept Syrian refugees into their home so that the refugees know they will have a safe place to stay in the United States.

Sister Mary Ellen Moore, a registered psychologist and one of the nuns who lives in the house, said:

> We would rather not make our decision on fear, we would rather make it on compassion . . . We were certainly disappointed in Gov. Rauner's statement on this issue. That kind of mentality is frightening and we know what it's led to in Europe and other places in the past. It's really very sad.

The people of France, after these horrific terrorist incidents, announced that they are going to accept 30,000 Syrian refugees. The people of Canada, after the terrible incident in Paris, announced virtually the same thing. And what has been the response of the United States and the House of Representatives? It has been an irrational response of fear.

Mr. President, I ask unanimous consent that this letter, which comes from a group called HIAS, and has the headline ''1000 Rabbis in Support of Welcoming Refugees'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From hias.org, Dec. 1, 2015]

1,000 RABBIS IN SUPPORT OF WELCOMING REFUGEES

We, Rabbis from across the country, call on our elected officials to exercise moral leadership for the protection of the U.S. Refugee Admissions Program.

Since its founding, the United States has offered refuge and protection to the world's most vulnerable. Time and time again, those refugees were Jews. Whether they were fleeing pogroms in Tzarist Russia, the horrors of the Holocaust or persecution in Soviet Russia or Iran, our relatives and friends found safety on these shores.

We are therefore alarmed to see so many politicians declaring their opposition to welcoming refugees.

Last month's heartbreaking attacks in Paris and Beirut are being cited as reasons to deny entry to people who are themselves victims of terror. And in those comments, we, as Jewish leaders, see one of the darker moments of our history repeating itself.

In 1939, the United States refused to let the S.S. St. Louis dock in our country, sending over 900 Jewish refugees back to Europe, where many died in concentration camps. That moment was a stain on the history of our country—a tragic decision made in a political climate of deep fear, suspicion and antisemitism. The Washington Post released public opinion polling from the early 1940's, showing that the majority of U.S. citizens did not want to welcome Jewish refugees to this country in those years.

In 1939, our country could not tell the difference between an actual enemy and the victims of an enemy. In 2015, let us not make the same mistake.

We therefore urge our elected officials to support refugee resettlement and to oppose any measures that would actually or effectively halt resettlement or prohibit or restrict funding for any groups of refugees.

As Rabbis, we take seriously the biblical mandate to ''welcome the stranger.'' We call on our elected officials to uphold the great legacy of a country that welcomes refugees.

Mr. DURBIN. I will close by reading just a portion of this letter that was handed to me this morning by this group that represents these Jewish rabbis all across the United States, from virtually every State in the Union.

It says:

> We, Rabbis from across the country, call on our elected officials to exercise moral leadership for the protection of the U.S. Refugee Admissions Program.
>
> Since its founding, the United States has offered refuge and protection to the world's most vulnerable. Time and time again, those refugees were Jews. Whether fleeing the pogroms in Tzarist Russia, the horrors of the Holocaust or persecution in Soviet Russia or Iran, our relatives and friends found safety on these shores.
>
> We are therefore alarmed to see so many politicians declaring their opposition to welcoming refugees.
>
> Last month's heartbreaking attacks in Paris and Beirut are being cited as reasons to deny entry to people who are themselves victims of terror. And in those comments, we, as Jewish leaders, see one of the darker moments of our history repeating itself.

They go on to talk about the United States turning away the SS *St. Louis* in 1939, and 900 Jews were sent back to Europe. The Holocaust Museum tells us that 200 of them perished in the Holocaust because the United States refused to accept them as refugees.

They end by saying:

> As Rabbis, we take seriously the biblical mandate to ''welcome the stranger.'' We call on our elected officials to uphold the great legacy of a country that welcomes refugees.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Oklahoma.

Mr. INHOFE. Madam President, before we get too wrapped up with our concern for the Syrian refugees, let's keep in mind that this administration doesn't have a policy in the Middle East today and hasn't had one since it came into office. It doesn't have a policy in Syria. They don't know where we are. He has drawn a line in the sand and just ignored his commitments. We wouldn't have all of these Syrian refugees if we had a policy in the first place.

Secondly, it was this administration's own Director of National Intelligence, James Clapper, who said that it is a fact that the refugees who come in from Syria could very well be bringing terrorists into the United States, and I think we need to consider that and consider our citizens before we consider some of the others. There are other options. We could have no-fly zones and have refugees settled in their own country, and that would be a lot safer for America and a lot cheaper.

Anyway, that is not why I am here.

President Obama made a lot of points to the American people in 2010 about how ObamaCare would improve health care for everyone. He said it would lower costs, it would expand access, and it would make health care more affordable for everyone. Yet, 5 years after this law's passage, ObamaCare has only increased premiums and increased deductibles, cut down employee work hours, and threatened the religious liberty of many employers who are providing needed jobs in a slow economy.

Since Obama's disastrous rollout, I have listened to heartbreaking accounts of how ObamaCare has negatively impacted middle-class Oklahoma families. I go back every weekend and I talk to these people. Their budgets are taking the hardest hits. The longer this law has been on the books, the worse the stories have become.

Oklahoman Fred Imel's premium is going from $1,100 a month to $1,700 a month. In fact, it was just announced that next year Oklahomans will see an average increase of 35.7 percent in premium prices, which is the highest in the Nation. That is why I am concerned about this. We have an opportunity, actually, tomorrow to act on something that can change all of this.

In addition, BlueCross BlueShield notified 40,000 Oklahomans earlier this

year that they will no longer offer their current plans and that policyholders would be forced to move to other plans in the two other networks in the State. Both plan options have fewer participating doctors, hospitals, and other providers. In other words, access to care is going down for these people, all the while costs are going up.

At the same time, many other insurance companies are dropping out of the Affordable Care Act market altogether, leaving Oklahomans with even fewer choices, not more, as President Obama promised back in 2010. In fact, nationwide, ObamaCare offers, on average, 34 percent fewer providers than health care networks outside the exchanges.

But ObamaCare isn't delivering bad news just to Oklahoma. Across the Nation, federally backed co-ops are going under due to ObamaCare. On October 16, the Wall Street Journal had an article that said that these cooperatives are ''collapsing at such a rapid clip that some co-ops and small insurers are forming a coalition to consider legal action to try to change health-law provisions they blame for their financial distress.''

Twelve out of the 23 ObamaCare established co-ops have gone under. More than half of them have gone under, leaving more than 500,000 currently insured Americans to find new insurance once again or face a steep penalty from the Federal Government. These co-ops also received over $1 billion in taxpayer loans from the Federal Government, most of which will never get repaid. So it is really worse economically for this country.

Since the beginning of this Congress, I have sponsored 12 bills to dismantle and fully repeal ObamaCare, and my colleagues and I are committed to maintaining our promise to repeal and replace ObamaCare. This reconciliation bill is a step in that direction. The House passed reconciliation on October 23 with a vote of 240 to 189.

This bill repeals the major components of ObamaCare, including the individual and employer mandate. It also repeals the medical device tax and the Cadillac tax, which is a tax placed on certain high-value, employer-sponsored insurance plans.

The Senate reconciliation bill also takes repeal of ObamaCare a lot further by repealing $1 trillion in ObamaCare taxes and fully repealing the Medicare expansion and all ObamaCare subsidies by 2018.

Importantly, the reconciliation bill also prohibits Federal funding for Planned Parenthood and instead uses that money that is saved by that repeal to increase funding for community health care centers. We hear people talk about health care for woman who are going to be hurt if we get rid of Planned Parenthood, yet we have more than 9,000—9,000—community health centers. These facilities are better equipped to provide women with the health care they need when compared to only 700 Planned Parenthood facilities. So keep in mind that there are 700 Planned Parenthood facilities and 9,000 community health centers, so they actually have the opportunity to get better care.

This issue is of particular importance given the sting videos that were released over the last few months showing the lengths Planned Parenthood affiliates have gone to profit from the sale of fetal tissue following abortions.

Planned Parenthood is a private institution that largely serves urban areas. While abortion may not be the only service they provide, it is what they are primarily known for. Everybody knows that. Whether they have broken the law or not, the taxpayer money they currently receive would be better directed toward the community health centers, which, on a ratio of 12 to 1, would be able to help with women's services.

Life is one of the single most important issues we consider here in the Senate, and I am proud of what we have already done this year. A few months ago, a majority of Senators voted to defund Planned Parenthood. That vote has already taken place. A majority of us here—although the tally did not pass the 60-vote threshold that was necessary to break a filibuster, it did show that more than a majority of Senators support ending subsidies to the largest abortion provider in America.

More important than the Senate's views of this, a majority of the American people support protecting life of the unborn. Every survey demonstrates that very clearly. When I go back home, people say: Why is it that if this is something the American people want, this taking of life continues?

The American people support it, and it is very important to me and my constituents that we do everything possible to protect the sanctity of life. That is among the top reasons why it is necessary to vote for this reconciliation bill. We have the chance to end the Federal financing of the institution that has chopped up babies and negotiated the most profitable price for their organs. There is no moral gray area here.

Let me tell my colleagues something about Oklahoma. I am going to tell my colleagues about how immoral and abrasive ObamaCare has been. In my State of Oklahoma—I was in the State senate back in 1970. I had a good friend then whose name is David Green. He developed a business in his garage—this was in 1970—where he made picture frames. He had only one employee, and then he started growing. Over a period of time, he has grown to where he now has Hobby Lobby. Hobby Lobby has 600 stores, 23,000 employees, and it started in a garage in 1970.

David Green is a real Jesus guy. He loves the Lord. He has his own principles, his own morality, and his employees do too. So ObamaCare came along and required a contraceptive type of pill taken after fertilization that is very similar—it is a type of abortion, in the eyes of this man. Well, he refused to force his employees to do that.

ObamaCare—the Federal Government—came along and they sued him and they—no, they were fining him $1 million a day—$1 million a day for refusing to take human life. He filed a suit. Now, keep in mind, $1 million a day. He went to district court, and he won the case by a close decision over ObamaCare. Then they appealed the case to the circuit court. He won there, and he won ultimately in the U.S. Supreme Court by a split vote of 5 to 4. Here is a guy who is willing to risk $1 million a day because he knew what was morally right. This is something that actually happened.

I will tell my colleagues, we have to get rid of ObamaCare and get out of the abortion business. We will have that chance tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, nearly 6 years ago this body was on the verge of passing the Patient Protection and Affordable Care Act. Today the Senate is poised to repeal that insultingly misnamed law.

Back in the winter of 2009, of course, we still had yet to pass the bill to see what was in it, although one didn't need a Ph.D. in economics to foresee that the Affordable Care Act would be a mess. It wasn't just conservatives and Republicans raising concerns; every sensible observer saw the obvious flaws and the inevitable disasters embedded in the rickety, ideological scheme congressional Democrats were foisting on the American people in an exercise of unprecedented partisanship.

Six years later, the Democratic Party's dream of ObamaCare has become the American people's nightmare. For the past 5 years, the American people have lived with and have suffered through the chaos and dysfunction wrought by ObamaCare's assault on American health care. At every step along the way, opposition to the law has grown stronger and calls for its repeal by the American people have grown louder, which brings us here today.

Last year Republicans running for Congress promised to repeal ObamaCare as a first step toward replacing it with real health care and real insurance reform. It was largely on the basis of this pledge that the American people elected to put the GOP in charge of both the House of Representatives and the U.S. Senate. The bill we are scheduled to vote on later this week brings us as close to fulfilling that promise as is possible under the Senate rules, pursuant to the instructions from the budget resolution that Congress passed just a few months ago.

I applaud the majority leader for his steadfast leadership over the past several days and weeks, and I commend

the Senate Budget Committee for its tireless efforts, as Republicans have worked together to craft a reconciliation package that doesn't just tinker around the edges of ObamaCare but lays the groundwork for ObamaCare to be erased from the books altogether. This is the only responsible step for Congress to take because by the law's own standards, according to the promises of the ideologues who imposed it on an unwilling country, ObamaCare has been a failure.

As its name suggests, the overriding objective and promise of the Affordable Care Act was to make health care more affordable for Americans. Yet, nearly 5 years after its passage, no one seriously claims the law has made it easier or more affordable for the American people to access the health care services they need. Facts are not optional, and the facts prove that quality, affordable health care is harder to find in America today than it was 6 years ago, especially for low- and middle-income Americans.

With so much political and ideological capital invested in propping up and defending ObamaCare, President Obama and his allies here in Congress are forced to simply try to skirt the facts. Take, for instance, the left's favorite half-truth—the notion that ObamaCare has succeeded because there are fewer uninsured Americans today than before the Affordable Care Act was signed in the law. But the other salient fact routinely omitted by the President and congressional Democrats is that the vast majority of the newly insured receive their coverage through Medicaid. The reason ObamaCare supporters have made a habit of ignoring this fact is obvious: For 50 years, Medicaid has served as the preeminent case study of how not to run a health insurance program. Medicaid's abysmal track record of failing our most vulnerable populations will only get worse as millions of new, able-bodied adults join the program.

Then there is the fact that in 2016, insurance premiums are set to continue their steep assent toward unaffordability. That goes for insurance plans on the ObamaCare exchanges as well as commercial plans purchased in the private market.

ObamaCare supporters have long promised that rising premiums would be at worst a brief detour on the centrally planned road to affordable health care, but as it turns out the iron laws of economics have once again triumphed over ideological wishful thinking. According to a survey of commercial insurance brokers conducted by Morgan Stanley, the average rate hike in 2016 for individual insurance plans will be 12.6 percent—slightly higher than the 11.2-percent increase last year—and the increase in small group rates will be 13.5 percent, up from a hike of 11.7 percent last year. So this creep continues. It keeps getting worse for the American people.

The outlook for insurance plans on the ObamaCare exchanges is just as bleak. Last month the Department of Health and Human Services announced that insurance premiums will rise an additional 7.5 percent next year in the 37 States using the notoriously defective and flawed healthcare.gov, and that is just the average, which obscures the more dramatic premium increases for residents in several States in particular, such as Oklahoma and Alaska, both of which are projected to see their ObamaCare premiums spike more than 30 percent next year.

Compounding the continued acceleration of premium hikes is the simultaneous increase in deductibles and the narrowing of choices that patients face in the health care market. In my home State of Utah, for instance, the residents of 20 out of my State's 29 counties are limited to only one health insurance plan option.

This toxic combination of rising health care costs and limited health care choices has already had serious consequences, especially for low- and middle-income Americans who are most severely affected by the law and who are the least capable of dealing with adverse consequences. According to a recent Gallup poll, nearly one in three Americans report that they or a family member have postponed or delayed medical treatment within the past year because of the cost, and they are more likely to have done so for a serious medical condition than for a medical condition deemed nonserious. What is even more remarkable is that the proportion of Americans who delay medical treatment because of the cost has remained basically unchanged for the last decade, even as the number of Americans with insurance coverage has increased. It is not just patients who have found ObamaCare to be too expensive. Insurance providers are coming to the same conclusion. To date, half of the 23 cooperatives created by ObamaCare collapsed despite receiving billions of dollars of taxpayer subsidies. The shuttering of the once-celebrated ObamaCare co-ops is not just a sign of the law's unsustainability, it is also a major source of the stress and anxiety that millions of Americans are experiencing as a result of this unfortunate law.

Just ask the hundreds of thousands of Utahans who recently found out that Arches Health Plan, a co-op that served roughly one-quarter of the State's exchange enrollees could not afford to stay in business next year. The announcement came only 5 days before open enrollment began this fall, leaving families across Utah scrambling to find a new plan and hoping they can afford it—like so many before them, the collateral damage of the President's repeated broken promise that if you like your health care plan, you can keep it.

Then there was the recent warning from United Healthcare. United is the Nation's largest health insurance provider. It was supposed to be big enough and with enough efficiencies built into its operations to absorb the new costs associated with doing business within the ObamaCare regulatory framework. Yet just a few weeks ago, United announced that the financial realities of its ObamaCare plans may soon force the insurance giant to stop offering insurance plans through the public exchanges.

The Affordable Care Act has been described by some of its supporters as a train wreck. It certainly looks that way as we watch hard truths and economic realities unravel the coalition of insurers that were once great champions of ObamaCare, but when you think about it, the term ''train wreck'' isn't quite the right metaphor to describe the calamity that is the Affordable Care Act. It misses the crucial point. Train wrecks are accidents, aberrations, anomalies. The failures of ObamaCare were no such thing. They were entirely predictable. We knew they were coming, despite the President's repeated assurances to the contrary.

There was nothing unexpected about the collapse of a national health care pseudo market, governed by a perverse set of incentives and exemptions that encouraged young and healthy individuals to stay out of the health insurance market. Now, nearly 5 years after its passage, there is no denying the manifest failures of ObamaCare. The only question left is, What are we going to do about it?

For the Democratic Party, the answer is—as we have come to expect—more of the same. Shield the ramshackle architecture and bloated bureaucracy of ObamaCare from any meaningful reform, and whenever possible double down—more ill-conceived and costly regulations, more Federal micromanagement of the health decisions of individuals, families, doctors, hospitals, and insurance companies, more price controls, all peddled using the same hackneyed promises and proclamations of compassion and fairness that have nearly drowned out any honest discourse during the past 6 years regarding health care.

ObamaCare has given the American people a preview of this approach to health care policy, and they have emphatically rejected it, which is why the Senate will soon vote to repeal the Affordable Care Act, but just saying no is not by itself enough.

Conservatives and Republicans must also offer the country a health care reform agenda to be for, something they can support affirmatively, proactively. Already there are a number of conservative leaders in Congress who have developed reform plans that would replace ObamaCare's cumbersome, bureaucratic, and expensive health care system with one that is flexible, decentralized, and affordable. We must build on these plans and advance legislation that empowers patients and families—not distant, coercive, powerful bureaucracies—to decide how they want to spend their health care dollars, and

that encourages innovation and investment across all health care sectors. Repealing the Affordable Care Act is the first step in that process—the beginning, not the end of our road to building a market-based, patient-centered health care system in America.

I look forward to joining my colleagues in voting to repeal ObamaCare and entering this new phase of health care reform. I thank my colleagues who cooperated and worked together in developing this bill that I wholeheartedly support.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Madam President, last year when I decided to run for Montana's open Senate seat, I promised the people of Montana I would work tirelessly to repeal ObamaCare. I am upholding that promise. Tomorrow the Senate will vote to repeal President Obama's broken health care law because for many Montana families the President's health care law hasn't been what it was promised to be.

Too many Montanans have seen their work hours cut, have been forced off the plans they liked, and were told they couldn't see the doctors they trusted. Health care premiums are not as affordable for Americans as President Obama claimed they would be. We are seeing premiums rising once again. In Montana, folks who are purchasing plans from the ObamaCare exchanges are getting hit with double-digit rate increases. More than 40,000 Montanans are expected to receive notices that their insurance rates have increased by double digits—an average of 34 percent for some plans. To put that into perspective, that is another $1,000 a year for a 40-year-old on one of Montana's silver plans.

Some Montanans have been hit with even higher rate increases. Take Cindy from Missoula, MT, who received a letter from her health insurance company that her premiums were increasing by 40 percent. Unfortunately, these rate hikes are the predictable result of forcing a partisan piece of legislation through Congress without transparent consideration or bipartisan input. Sadly, those impacted the hardest by these steep rate increases are often those who can least afford it.

Americans need access to affordable care, but ObamaCare not only takes uninsured Americans in the wrong direction, it is failing to reliably provide the basic coverage Americans deserve. Look no further than the health co-op system established under ObamaCare. All but one lost money in the last year—all but one. More than half have collapsed, forcing more than 700,000 Americans to find new health insurance options.

In 2007, President Obama said himself that by the end of his first term ObamaCare would ''cover every American and cut the cost of a typical family's premium by up to $2,500 a year.''

Montanans haven't seen their premiums decreased by $2,500 a year. It is not even close. Montanans are forced once again off the health care plans they liked and away from the doctors they trusted because when Washington, DC, bureaucrats take over a health care system, inevitably prices go up and the quality of care goes down. That is exactly what we have seen happen with ObamaCare. After more than 5 years of this Obama experiment, it is clear ObamaCare isn't working.

I grew up in Montana. Spending time outdoors is an important way of life for us back home. I was fly fishing before Brad Pitt made it cool in the movie ''A River Runs Through It.'' When you are in one of Montana's blue-ribbon streams and your fishing line gets tangled up, you have a couple different options. Sometimes you can take some time to untangle it and make another cast, but other times, your line gets so tangled up and knotted up that the best option is to cut the line and start over. It is time to cut the line on President Obama's failed health care law and tie on a new fly. That is what the Senate is going to do this week.

This bill dismantles President Obama's bungled health care law. It also puts our States on a glide path away from ObamaCare. It will build a bridge to replace this broken law with State-led solutions that put patients back in the center of the health care equation and return the health care decisions to Americans, to families, to their doctors and away from a bunch of DC bureaucrats. When we pass this historic legislation tomorrow, it will be the first time an ObamaCare repeal bill will be on President Obama's desk for his signature. He is going to have to decide whether to put the American people first or if he will continue imposing fines and substandard care on the hard-working people of this country.

Even if the President rejects the will of the American people and vetoes this bill, I will continue working to protect Montanans from rising health care costs, and I will keep working to ensure that all Americans receive the quality health care they deserve.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. MCCONNELL. Madam 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.

BUDGETARY REVISIONS

Mr. ENZI. Madam 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 2874 fulfills the conditions of deficit neutrality found in sec. 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 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)

$ in millions	2016
Current Aggregates:	
Spending:	
Budget Authority	3,033,488
Outlays	3,091,974
Adjustments:	
Spending:	
Budget Authority	−10,300
Outlays	−9,700
Revised Aggregates:	
Spending:	
Budget Authority	3,023,188
Outlays	3,082,274

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)

$ in millions	2016	2016–2020	2016–2025
Current Aggregates:			
Revenue	2,675,967	14,415,914	32,233,099
Adjustments:			
Revenue	−12,800	−83,300	−223,200
Revised Aggregates:			
Revenue	2,663,167	14,332,614	32,009,899

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)

$ in 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	−9,500	−103,700	−282,800
Outlays	−9,500	−103,700	−282,800
Revised Allocation:			
Budget Authority	2,170,249	12,238,851	29,145,376
Outlays	2,160,259	12,219,005	29,120,399

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)

$ in 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	−800	−5,500	−15,000
Outlays	−100	−3,600	−12,200
Revised Allocation:			
Budget Authority	11,337	81,801	159,372
Outlays	14,171	84,183	170,431

BUDGET SCOREKEEPING REPORT

Mr. ENZI. Madam President, I wish to submit to the Senate the budget scorekeeping report for December 2015. The report compares current law levels of spending and revenues with the amounts provided in the conference report to accompany S. Con. Res. 11, the budget resolution for fiscal year 2016. This information is necessary to determine whether budget points of order lie against pending legislation. It has been prepared by the Republican staff of the Senate Budget Committee and the Congressional Budget Office, CBO, pursuant to section 308(b) of the Congressional Budget Act.

This is the fourth report I have made since adoption of the fiscal year 2016 budget resolution on May 5, 2015. My last filing can be found in the CONGRESSIONAL RECORD on October 27, 2015. The information contained in this report is current through November 30, 2015. This will be the final scorekeeping report for calendar year 2015.

Table 1 gives the amount by which each Senate authorizing committee is below or exceeds its allocation under the budget resolution. This information is used for enforcing committee allocation pursuant to section 302 of the Congressional Budget Act of 1974, CBA. Over the fiscal year 2016–2025 period, which is the entire period covered by S. Con. Res. 11, Senate authorizing committees have spent $3.3 billion less than the budget resolution calls for.

Table 2 gives the amount by which the Senate Committee on Appropriations is below or exceeds the statutory spending limits. This information is used to determine points of order related to the spending caps found in section 312 and section 314 of the CBA. While no full-year appropriations bills have been enacted for fiscal year 2016, subcommittees are charged with permanent and advanced appropriations that first become available in that year.

Table 3 gives the amount by which the Senate Committee on Appropriations is below or exceeds its allocation for overseas contingency operations/globaI war on terrorism, OCO/GWOT, spending. This separate allocation for OCO/GWOT was established in section 3102 of S. Con. Res. 11 and is enforced using section 302 of the CBA. No bills providing funds with the OCO/GWOT designation on a full-year basis have been enacted thus far for fiscal year 2016.

The budget resolution established two new points of order limiting the use of changes in mandatory programs in appropriations bills, CHIMPS. Tables 4 and 5 show compliance with fiscal year 2016 limits for overall CHIMPS and the Crime Victims Fund CHIMP, respectively. This information is used for determining points of order under section 3103 and section 3104, respectively. No full-year bills have been enacted thus far for fiscal year 2016 that include CHIMPS.

In addition to the tables provided by the Senate Budget Committee Republican staff, I am submitting additional tables from CBO that I will use for enforcement of budget levels agreed to by the Congress.

For fiscal year 2016, CBO annualizes the effects of the Continuing Appropriations Act, P.L. 114–53, which provides funding through December 11, 2015. For the enforcement of budgetary aggregates, the Senate Budget Committee historically excludes this temporary funding. As such, the current law levels are $882.6 billion and $521.6 billion below budget resolution levels for budget authority and outlays, respectively. Revenues are $413 million above the level assumed in the budget resolution. Finally, Social Security outlays are at the levels assumed in the budget resolution for fiscal year 2016, while Social Security revenues are $18 million above assumed levels for the budget year.

CBO's report also provide information needed to enforce the Senate's pay-as-you-go rule. The Senate's pay-as-you-go scorecard currently shows deficit reduction of $16.7 billion over the fiscal year 2015–2020 period and $77.5 billion over the fiscal year 2015–2025 period. Over the initial 6-year period, Congress has enacted legislation that would increase revenues by $12 billion and decrease outlays by $4.6 billion. Over the 11-year period, Congress has enacted legislation that would increase revenues by $24.2 billion and decrease outlays by $53.3 billion. The Senate's pay-as-you-go rule is enforced by section 201 of S. Con. Res. 21, the fiscal year 2008 budget resolution.

All years in the accompanying tables are fiscal years.

I ask unanimous consent that the accompanying tables be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1. SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (−) BUDGET RESOLUTIONS

(In millions of dollars)

	2016	2016–2020	2016–2025
Agriculture, Nutrition, and Forestry			
Budget Authority	0	0	0
Outlays	0	0	0
Armed Services			
Budget Authority	−66	−518	−1,117
Outlays	−50	−476	−1,099
Banking, Housing, and Urban Affairs			
Budget Authority	0	0	0
Outlays	0	0	0
Commerce, Science, and Transportation			
Budget Authority	130	650	1,300
Outlays	0	0	0
Energy and Natural Resources			
Budget Authority	0	0	0
Outlays	0	0	0
Environment and Public Works			
Budget Authority	0	0	−3,160
Outlays	0	0	−3,160
Finance			
Budget Authority	5	13	28
Outlays	5	13	28
Foreign Relations			
Budget Authority	0	0	0
Outlays	0	0	0
Homeland Security and Governmental Affairs			
Budget Authority	0	0	0
Outlays	0	0	0
Judiciary			
Budget Authority	0	1	2
Outlays	0	1	2
Health, Education, Labor, and Pensions			
Budget Authority	0	208	278
Outlays	0	208	278
Rules and Administration			
Budget Authority	0	0	0
Outlays	0	0	0
Intelligence			
Budget Authority	0	0	0
Outlays	0	0	0
Veterans' Affairs			
Budget Authority	−2	−1	−1

TABLE 1. SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (−) BUDGET RESOLUTIONS—Continued

(In millions of dollars)

	2016	2016–2020	2016–2025
Outlays	388	644	644
Indian Affairs			
Budget Authority	0	0	0
Outlays	0	0	0
Small Business			
Budget Authority	0	0	0
Outlays	1	2	2
Total			
Budget Authority	67	353	−2,670
Outlays	344	392	−3,305

TABLE 2. SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS [1]

(Budget authority, in millions of dollars)

	2016	
	Security [2]	Nonsecurity [2]
Statutory Discretionary Limits	523,091	493,491
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies	0	9
Commerce, Justice, Science, and Related Agencies	0	0
Defense	41	0
Energy and Water Development	0	0
Financial Services and General Government	0	41
Homeland Security	0	9
Interior, Environment, and Related Agencies	0	0
Labor, Health and Human Services, Education and Related Agencies	0	24,678
Legislative Branch	0	0
Military Construction and Veterans Affairs, and Related Agencies	0	56,217
State Foreign Operations, and Related Programs	0	0
Transportation and Housing and Urban Development, and Related Agencies	0	4,400
Current Level Total	41	85,354
Total Enacted Above (+) or Below (−) Statutory Limits	−523,050	−408,137

[1] This table excludes spending pursuant to adjustments to the discretionary spending limits. These adjustments are allowed for certain purposes in section 251(b)(2) of BBEDCA.

[2] Security spending is defined as spending in the National Defense budget function (050) and nonsecurity spending is defined as all other spending.

TABLE 3. SENATE APPROPRIATIONS COMMITTEE—ENACTED OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM DISCRETIONARY APPROPRIATIONS

(In millions of dollars)

	2016	
	BA	OT
OCO/GWOT Allocation [1]	96,287	48,798
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies	0	0
Commerce, Justice, Science, and Related Agencies	0	0
Defense	0	0
Energy and Water Development	0	0
Financial Services and General Government	0	0
Homeland Security	0	0
Interior, Environment, and Related Agencies	0	0
Labor, Health and Human Services, Education and Related Agencies	0	0
Legislative Branch	0	0
Military Construction and Veterans Affairs, and Related Agencies	0	0
State Foreign Operations, and Related Programs	0	0
Transportation and Housing and Urban Development, and Related Agencies	0	0
Current Level Total	0	0
Total OCO/GWOT Spending vs. Budget Resolution	−96,287	−48,798

BA = Budget Authority; OT= Outlays

[1] This allocation may be adjusted by the Chairman of the Budget Committee to account for new information, pursuant to section 3102 of S. Con. Res. 11, the Concurrent Resolution of the Budget for Fiscal Year 2016.

TABLE 4. SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)

(Budget authority, millions of dollars)

	2016
CHIMPS Limit for Fiscal Year 2016	19,100
Senate Appropriations Subcommittees	
Agriculture, Rural Development, and Related Agencies	0
Commerce, Justice, Science, and Related Agencies	0
Defense	0
Energy and Water Development	0
Financial Services and General Government	0
Homeland Security	0
Interior, Environment, and Related Agencies	0
Labor, Health and Human Services, Education and Related Agencies	0
Legislative Branch	0
Military Construction and Veterans Affairs, and Related Agencies	0
State Foreign Operations, and Related Programs	0
Transportation and Housing and Urban Development, and Related Agencies	0
Current Level Total	0
Total CHIMPS Above (+) or Below (−) Budget Resolution	−19,100

TABLE 5. SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAM (CHIMP) TO THE CRIME VICTIMS FUND

(Budget authority, millions of dollars)

	2016
2016 Crime Victims Fund (CVF) CHIMP Limit for Fiscal Year 2016	10,800
Senate Appropriations Subcommittees.	
Agriculture, Rural Development, and Related Agencies	0
Commerce, Justice, Science, and Related Agencies	0
Defense	0
Energy and Water Development	0
Financial Services and General Government	0
Homeland Security	0
Interior, Environment, and Related Agencies	0
Labor, Health and Human Services, Education and Related Agencies	0
Legislative Branch	0
Military Construction and Veterans Affairs, and Related Agencies	0
State Foreign Operations, and Related Programs	0
Transportation and Housing and Urban Development, and Related Agencies	0
Current Level Total	0
Total CVF CHIMP Above (+) or Below (−) Budget Resolution	−10,800

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 2, 2015.

Hon. MIKE ENZI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2016 budget and is current through November 30, 2015. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016.

Since our last letter dated October 27, 2015, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2016:

Bipartisan Budget Act of 2015 (Public Law 114–74);

Recovery Improvements for Small Entities After Disaster Act of 2015 (Public Law 114–88); and

National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

Sincerely,

KEITH HALL,
Director.

Enclosure.

TABLE 1—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2016, AS OF NOVEMBER 30, 2015

(In billions of dollars)

	Budget Resolution [a]	Current Level [b]	Current Level Over Under(-) Resolution
On-Budget			
Budget Authority	3,033.5	3,159.0	125.5
Outlays	3,092.0	3,172.8	80.8
Revenues	2,676.0	2,676.4	0.4
Off-Budget			
Social Security Outlays [c]	777.1	777.1	0.0
Social Security Revenues	794.0	794.0	0.0

Source: Congressional Budget Office.

[a] Excludes $6,872 million in budget authority and $344 million in outlays assumed in S. Con. Res. 11 for disaster-related spending that is not yet allocated to the Senate Committee on Appropriations.

[b] Excludes amounts designated as emergency requirements.

[c] Excludes administrative expenses paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2016, AS OF NOVEMBER 30, 2015

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Previously Enacted [3]			
Revenues	n.a.	n.a.	2,676,733
Permanents and other spending legislation	1,968,496	1,902,345	n.a.
Appropriation legislation	0	500,825	n.a.
Offsetting receipts	−784,820	−784,879	n.a.
Total, Previously Enacted	1,183.676	1,618,291	2,676,733
Enacted Legislation:			
An act to extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado, to authorize transfers of amounts to carry out the replacement of such medical center, and for other purposes (P.L. 114–25)	0	20	0
Defending Public Safety Employees' Retirement Act & Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (P.L. 114–26)	0	0	5
Trade Preferences Extension Act of 2015 (P.L. 114–27)	445	175	−766
Steve Gleason Act of 2015 (P.L. 114–40)	5	5	0
Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (P.L. 114–41) [b]	0	0	99
Continuing Appropriations Act, 2016 (P.L. 114–53)	700	775	0
Airport and Airway Extension Act of 2015 (P.L. 114–55)	130	0	0
Department of Veterans Affairs Expiring Authorities Act of 2015 (P.L. 114–58)	−2	368	0

TABLE 2—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2016, AS OF NOVEMBER 30, 2015—Continued

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Protecting Affordable Coverage for Employees Act (P.L. 114–60)	0	0	40
Bipartisan Budget Act of 2015 (P.L. 114–74)	3,424	4,870	269
Recovery Improvements for Small Entities After Disaster Act of 2015 (P.L. 114–88)	0	1	0
National Defense Authorization Act for Fiscal Year 2016 (P.L. 114–92)	−66	−50	0
Total, Enacted Legislation	4,636	6,164	−353
Continuing Resolution:			
Continuing Appropriations Act, 2016 (P.L. 114–53)	1,008,053	602,405	0
Entitlements and Mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	962,619	945,910	0
Total Current Level [c]	3,158,984	3,172,770	2,676,380
Total Senate Resolution [d]	3,033,488	3,091,974	2,675,967
Current Level Over Senate Resolution	125,496	80,796	413
Current Level Under Senate Resolution	n.a.	n.a.	n.a.
Memorandum:			
Revenues, 2016–2025:			
Senate Current Level	n.a.	n.a.	32,262,618
Senate Resolution	n.a.	n.a.	32,233,099
Current Level Over Senate Resolution	n.a.	n.a.	29,519
Current Level Under Senate Resolution	n.a.	n.a.	n.a.

Source: Congressional Budget Office.

Notes: n.a. =not applicable; P.L. = Public Law.

[a] Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. II, the Concurrent Resolution on the Budget for Fiscal Year 2016: the Terrorism Risk Insurance Program Reauthorization Act of 2014 (P.L. 114–1); the Department of Homeland Security Appropriations Act, 2015 (P.L. 114–4), and the Medicare Access and CHIP Reauthorization Act of 2015 (P.L. 114–10).

[b] Pursuant to section 403(b) of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, amounts designated as an emergency requirement pursuant to section 403 of S. Con. Res. 13, shall not count for certain budgetary enforcement purposes. The amounts so designated for 2016, which are not included in the current level totals, are as follows:

	Budget Authority	Outlays	Revenues
Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (P.L. 114–41)	0	917	0

[c] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the resolution, as approved by the Senate, does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level does not include these items.

[d] Periodically, the Senate Committee on the Budget revises the budgetary levels in S. Con Res. 11, pursuant to various provisions of the resolution. The Senate Resolution total below excludes $6,872 million in budget authority and $344 million in outlays assumed in S. Con Res. 11 for disaster-related spending that is not yet allocated to the Senate Committee on Appropriations:

	Budget Authority	Outlays	Revenues
Senate Resolution:	3,032,343	3,091,098	2,676,733
Revisions:			
Pursuant to section 4311 of S. Con. Res. 11	445	175	−766
Pursuant to section 311 of S. Con. Res. 11	700	700	0
Pursuant to section 311 of S. Con. Res. 11	0	1	0
Revised Senate Resolution	3,033,488	3,091,974	2,675,967

TABLE 3. SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD FOR THE 114TH CONGRESS—1ST SESSION, AS OF NOVEMBER 30, 2015

(In millions of dollars)

	2015–2020	2015–2025
Beginning Balance[a]	0	0
Enacted Legislation:[b, c, d]		
Iran Nuclear Agreement Review Act of 2015 (P.L. 114–17)[e]	n.e.	n.e.
Construction Authorization and Choice Improvement Act (P.L. 114–19)	20	20
Justice for Victims of Trafficking Act of 2015 (P.L. 114–22)	1	2
Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2015 (P.L. 114–23)	*	*
An act to extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado (P.L. 114–25)	150	150
Defending Public Safety Employees' Retirement Act & Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (P.L. 114–26)	−1	5
Trade Preferences Extension Act of 2015 (P.L. 114–27)	−640	−52
Boys Town Centennial Commemorative Coin Act (P.L. 114–30)[f]	0	0
Steve Gleason Act of 2015 (P.L. 114–40)	13	28
Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (P.L. 114–41)	−1,552	−6,924
Agriculture Reauthorizations Act of 2015 (P.L. 114–54)	*	*
Department of Veterans Affairs Expiring Authorities Act of 2015 (P.L. 114–58)	6224	624
Protecting Affordable Coverage for Employees Act (P.L. 114–60)	−32	−2
Gold Star Fathers Act of 2015 (P.L. 114–62)	*	*
Ensuring Access to Clinical Trials Act of 2015 (P.L. 114–63)	*	*
Adoptive Family Relief Act (P.L. 114–70)	*	*
Surface Transportation Extension Act of 2015 (P.L. 114–73)	*	*
Bipartisan Budget Act of 2015 (P.L. 114–74)	−15,050	−71,315
Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015 (P.L. 114–81)	*	*

TABLE 3. SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD FOR THE 114TH CONGRESS—1ST SESSION, AS OF NOVEMBER 30, 2015—Continued

(In millions of dollars)

	2015–2020	2015–2025
Recovery Improvements for Small Entities After Disaster Act of 2015 (P.L. 114–88)	2	2
Improving Regulatory Transparency for New Medical Therapies Act (P.L. 114–89)	*	*
National Defense Authorization Act for Fiscal Year 2016 (P.L. 114–92)	−194	−10
Equity in Government Compensation Act of 2015 (P.L. 114–93)	*	*
Improving Access to Emergency Psychiatric Care Act (S. 599)	*	*
Current Balance	−16,659	−77,472
Memorandum:	2015–2020	2015–2025
Changes to Revenues	12,032	24,215
Changes to Outlays	−4,627	−53,257

Source: Congressional Budget Office.

Notes: n.e. = not able to estimate; P.L. = Public Law. * = between −$500,000 and $500,000.

[a] Pursuant to S. Con. Res. II , the Senate Pay-As-You-Go Scorecard was reset to zero.

[b] The amounts shown represent the estimated impact of the public laws on the deficit. Negative numbers indicate an increase in the deficit; positive numbers indicate a decrease in the deficit.

[c] Excludes off-budget amounts.

[d] Excludes amounts designated as emergency requirements.

[e] P.L. 114–17 could affect direct spending and revenues, but such impacts would depend on future actions of the President that CBO cannot predict. (http://www.cbo.gov/sites/default/files/cbofiles/attachments/s615.pdf)

[f] P.L. 114–30 will cause a decrease in spending of $5 million in 2017 and an increase in spending of $5 million in 2019 for a net impact of zero over the six-year and eleven-year periods.

COMMENDING SENATOR JONI ERNST

Mr. MCCAIN. Madam President, today I wish to honor a fellow veteran and colleague, Senator JONI ERNST, on her retirement from the Iowa National Guard as a lieutenant colonel after 23 years of distinguished service to our Nation.

Senator ERNST joined the U.S. Army Reserves as a second lieutenant upon her graduation from Iowa State University. After 9 years in the Army Reserves, she transitioned to the Iowa National Guard to continue her dedicated service to this Nation. As a logistics specialist, Senator ERNST has held numerous positions of authority throughout her career, culminating in command of the 185th Combat Sustainment Support Battalion, the largest in the Iowa National Guard.

On February 10, 2003, while serving as commander of the Iowa National Guard's 1168th Transportation Company, Senator ERNST was called to Active Duty and deployed to Kuwait and Iraq in support of Operation Iraqi Freedom. For 14 months, Senator ERNST and her fellow Guard members delivered vital supplies to coalition forces in support of the war effort. Her combat service was a key element in enabling a highly mobile allied force to sustain combat operations.

While this chapter of her career has come to a close, Senator ERNST continues her dedication to service. As the first woman elected to Congress from Iowa and the first female combat veteran in the Senate, Senator ERNST has fought tenaciously for our military and veterans through her work on the Senate Armed Services Committee and on

legislation she has authored and sponsored over this past year. I have no doubt that she will continue to be a strong voice for servicemembers, veterans, and their families in the years ahead.

Today I honor Lieutenant Colonel ERNST for her 23 years of dedicated service to the U.S. Army Reserve and the Iowa National Guard. Her service in support of this Nation has been exemplary—and her mission continues. I look forward to working with Senator ERNST for years to come as we tackle the many challenges ahead.

SUPPORT FOR PLANNED PARENTHOOD

Mrs. FEINSTEIN. Madam President, I wish to speak today in support of Planned Parenthood and express how heartbroken I am over last week's shooting in Colorado Springs. My thoughts are with the victims and their families. To experience such violence in a place dedicated to saving lives is unthinkable.

I would also like to thank the staff of the clinic in Colorado Springs—and all Planned Parenthood clinics across the country. The health care services you provide are invaluable. You help so many people, and you do it in the face of so many challenges. I am grateful for your bravery and your compassion.

Following last week's attack, the media reported that staff rushed to the clinic's safe room with their patients. Let me repeat: a health clinic with a safe room. That a clinic dedicated to helping women—many of whom have no other option for health care—needs a safe room is unbelievable.

I have been deeply troubled over the years by the toxic rhetoric targeted at Planned Parenthood—and this dangerous rhetoric has only increased in recent months. It sends a signal that using violence to intimidate health care professionals and shut down clinics is somehow acceptable.

Let me be clear: these actions are not acceptable. It is shameful and disgusting and should be universally condemned. I do believe there is a link between the poisonous rhetoric directed at these health care providers and the violence used against them.

And I hope all of my colleagues in Congress—and every public official around the country—thinks carefully about the effects their words can have.

An FBI intelligence assessment from September said, ''It is likely criminal or suspicious incidents will continue to be directed against reproductive health care providers, their staff and facilities.'' These incidents aren't new.

Over the last 40 years, there have been more than 200 arsons and bombings at women's health care clinics. Doctors and health care staff have been murdered. Since July, four Planned Parenthood facilities have been set on fire, including one in my home State of California. This type of violence is simply abhorrent.

And I strongly believe these aren't just attacks on Planned Parenthood and women's health; they are attacks on our way of life. This isn't what our country stands for.

The individuals who carry out these crimes have one goal: to terrorize doctors, nurses, and clinic staff; to make them quit their jobs; to force these health care clinics to close. They want to make it harder and harder for women to access reproductive health care and make their own health care choices.

In the wake of the Colorado Springs shooting, a former Planned Parenthood worker from Kansas shared some of her experiences. In the 3 years she worked at Planned Parenthood, there were four attempts to burn her clinic to the ground. Two cherry bombs were left at the door after hours. They exploded and forced the clinic to close temporarily. Windows were shot out on three occasions. And butyric acid—essentially a stink bomb—was put in the clinic's ventilation system numerous times. These aren't acts of political protest. These are serious crimes, and the perpetrators must be prosecuted to the full extent of the law.

Before I close, I would like to reiterate just how important Planned Parenthood is for our country. Planned Parenthood serves some of the most vulnerable women in our society. It cares for 2.7 million patients in the United States. Ninety-seven percent of Planned Parenthood services carried out by its 700 clinics involve basic health care.

This includes breast exams, cervical cancer screenings, testing for sexually transmitted diseases, and contraception. One in five women will use Planned Parenthood as their primary health care provider at some point in their lives. Nationwide, 80 percent of Planned Parenthood patients make less than $18,000 per year. And Planned Parenthood is often the only health care option for low-income women and women in rural communities.

Simply put, Planned Parenthood is vital for the women of this country. It is bad enough that some politicians want to limit women's health care options by defunding Planned Parenthood. It is even more inexcusable that violence is being used to achieve what my Republican colleagues have failed to do.

I stand with Planned Parenthood now more than ever. And I call for an end to the sickening campaign of violence against clinics nationwide. Thank you.

CHURCH PLAN CLARIFICATION ACT

Mr. CARDIN. Madam President, I am very pleased that the Senate may soon consider bipartisan legislation which I recently introduced with Senators PORTMAN and KLOBUCHAR: the Church Plan Clarification Act of 2015, S. 2308. By introducing this bill and asking for a unanimous consent agreement regarding its passage, our goal is to ensure the retirement security of clergy, church lay workers, and their families across the country.

The Church Plan Clarification Act addresses several unintended consequences resulting from the application of general tax and pension regulations to the unique structures of church pension plans. Churches and synagogues established some of the first pension plans in the country, several dating back to the 18th century, and they are designed to ensure that our clergy and lay staff have adequate resources during their retirement years.

Church pensions are critically important compensation plans that help support over 1 million clergy members across the country in their retirement—particularly those who dedicated their careers to serving in economically disadvantaged congregations.

Church plans are often structured to reflect the ecclesiastical teachings of their denomination. The resulting diversity of plan structures, coupled with the complexity of the legal and regulatory framework that applies to church plans, has led to the need for this legislation. The bill would correct several technical issues that, while small, are critical to the functioning and operation of church plans and the retirement benefits they provide.

While the corrections contained in S. 2308 would be of tremendous help to church plans, I want to make clear that the bill does not affect the definition of ''church plan'' under the Internal Revenue Code or Employee Retirement Income Security Act of 1974, ERISA. In particular, no inference is intended by this legislation regarding the statutory requirements a pension plan must meet to be considered or treated as a ''church plan'' under IRC section 414(e) of the Internal Revenue Code and section 3(33) of ERISA, and the bill has no bearing on the interpretation of those sections. Rather, the Church Plan Clarification Act is simply about fixing the rules that govern how church plans operate and serve their participants.

Again, the Church Plan Clarification Act is targeted, noncontroversial, and has broad bipartisan and bicameral support. I hope we can work quickly to provide clarity for these plans by enacting this legislation and thereby ensuring that those who dedicate their lives to religious service are not inappropriately and unfairly disadvantaged.

HONORING OUR ARMED FORCES

PRIVATE CHRISTOPHER J. CASTANEDA

Mr. SCOTT. Madam President, today I wish to honor the life of Private Christopher J. Castaneda, of Fripp Island, SC, who died while serving his country on November 19, 2015, in Al Anbar Province, Iraq.

In January of 2015, Private Castaneda made the noble decision to answer the

call to serve by joining our Nation's Army at the age of 19 years old. Serving in the Army's 10th Mountain Division as an infantryman allowed Private Castaneda to excel and leave a unique legacy of honor. Since his enlistment, Private Castaneda has been honored with numerous awards outlining his commitment to our country, such as the Global War on Terrorism Service Medal and the Army Achievement Medal.

The legacy of Private Castaneda will undoubtedly continue through his mother and grandfather he leaves behind. It is with great pride and homage we recognize Private Christopher J. Castaneda. May we never forget his service and sacrifice to protect our country.

REMEMBERING ANITA DATAR

Mr. CARDIN. Madam President, I wish to honor the life of Anita Ashok Datar—a loving mother, beloved daughter and sister, and dedicated humanitarian from Takoma Park in my home State of Maryland. She was one of 19 victims killed on November 20 in a terrorist attack in Mali.

Anita's life was one of service to others, both at home and abroad. She was born in Massachusetts and raised in Flanders, NJ. Her friends and classmates remember her as kind and smart, ''one of the good ones.'' After she graduated from Rutgers University, she served as a Peace Corps volunteer in Senegal—the beginning of her career helping the world's most disadvantaged.

From there, she went back to school to obtain master's degrees in public health and public administration and began her work improving the lives of the poorest as a global health professional with expertise in reproductive health, family planning, and HIV prevention and treatment. Ms. Datar spent over a decade working on critical development projects in Africa, Latin America, and Southeast Asia.

As my colleagues know, Mali has been in turmoil for several years. It is the location of the world's most dangerous peacekeeping mission. Despite the presence of a United Nations peacekeeping mission and a French-led military operation, terrorists have continued to carry out periodic attacks on Malians and foreigners.

Despite these dangers, Ms. Datar, who was serving as a senior director for field programs at Palladium, went to Mali as a U.S. Agency for International Development contractor to help those in need. Her dedication to seeing that vulnerable populations are not forgotten, overlooked, or marginalized epitomizes public service, and it exemplifies the best of American values and ideals. For that, she will always be remembered.

The attack on the Radisson Blu Hotel in Bamako was nothing more than a senseless act undertaken by people who have no compassion and clearly no regard for human life. We cannot and will not let actions like this stop us from pursuing the mission that people like Anita Datar are so passionate about: improving the lives of the poorest of the poor.

There is no better way to honor her legacy than to continue to help the needy, the disenfranchised, and those at risk both here at home and around the world.

Anita is survived by her 7-year-old son, a brother, her parents, and countless friends and colleagues. In addition to offering our condolences, we must commit to continuing her work and remembering the sacrifices that she and countless other development workers make each and every day.

REMEMBERING KATE ROGERS McCARTHY

Mr. WYDEN. Madam President, I rise today to honor a distinguished Oregonian who made it her life's work to protect many of Oregon's and the Nation's most beautiful and majestic natural places. On November 3, Kate Rogers McCarthy, a lifelong conservationist, activist, and friend, passed away in her hometown of Parkdale, OR. Born in 1917 adjacent to the snow-capped peaks of Mount Hood in Parkdale, Kate spent most of her life in awe of the natural beauty that surrounded her. Kate drew from that passion as she worked to preserve many of Oregon's most iconic outdoor spaces, eventually taking on many leadership roles in conservation groups at the State and national levels.

Growing up with the wilderness of Mount Hood as her backyard, Kate learned the value of nature and the importance of protecting our natural treasures. By the time she was in high school, Kate and her younger sister Betty ran an outdoor recreation camp for girls on the family property that introduced those girls to the beauty of Mount Hood. Kate attended Reed College, Yale Nursing School, and the University of Oregon Medical School. After earning her degrees and with new commercial development threatening the preservation of the Mount Hood wilderness, Kate began her lifelong campaign to preserve the lands she loved.

In the mid-1970s, with development rapidly expanding into wild areas near Mount Hood, Kate and a group of Parkdale residents began a campaign to encourage county representatives to vote on zoning options. Thanks to her diligence and that of the other residents, the county voted to protect agricultural zones. Agricultural zoning still protects farmland in the upper valley today. In 1977, Kate gathered a few friends and founded the Hood River Valley Residents Committee. The committee grew to 1,200 members under Kate's leadership and continues to protect the natural spaces that are so unique to Oregon.

A tireless advocate and conservationist, Kate was involved in a multitude of other conservation groups as well. She served as a member of the Oregon Natural Resources Council, what is now Oregon Wild; the Board of the Oregon Environmental Council; and Friends of the Columbia Gorge. She was also a charter member of 1000 Friends of Oregon. To motivate still greater involvement by citizens in the protection of Mount Hood, Kate helped form Friends of Mount Hood, a nonprofit organization dedicated to protecting the alpine meadows, wetlands, wildlife, and forests of Mount Hood by working with the Forest Service and the Oregon congressional delegation.

In 2002, Kate McCarthy was recognized as a Women of Distinction honoree by the soroptimists of Hood River for making a difference in the lives of women and girls in her local community. She also received the highest award given by the Mazamas Mountaineering Club, becoming only the 41st person given the top award since the club's founding in 1894. For several years, Kate worked closely with local organizations, as well as my office, to protect the north side of Mount Hood and Cooper Spur from a massive destination resort in the Hood River Valley. After years of hard-fought battles, Congress passed the Mount Hood Wilderness bill. The bill protects the more than 200,000 acres of wilderness and rivers in the Hood River Valley, an accomplishment I am proud to have been a part of.

Because of Kate's lifetime of work to protect some of our most beautiful wetlands, forests, wildlife, and farms, she has given Oregonians and people from around the world opportunities to experience Oregon's natural splendor for generations to come. Kate McCarthy, a mother, grandmother, great grandmother, friend, and advocate of the natural beauty around her, deserves the utmost appreciation for a life fully lived. I honor the prolific life and career of Kate Rodgers McCarthy and express my gratitude for her everlasting impact on our State and Nation.

TRIBUTE TO DR. KATHARINE BLODGETT GEBBIE

Mr. CARDIN. Madam President, I wish to pay tribute to Dr. Katharine Blodgett Gebbie, the past director of the National Institute of Standards and Technology's—NIST—Physics Laboratory and its successor, the Physical Measurement Laboratory. On December 10, 2015, the Precision Measurement Laboratory at NIST's Boulder campus will be formally renamed in honor of Dr. Gebbie, the first time in more than 50 years that a major NIST building has been named for an individual. This incredible recognition underscores and celebrates Dr. Gebbie's 45 years of service to NIST and her contributions on behalf of the scientific community and our Nation.

At a time when a much smaller percentage of women were a part of the

American workforce and pursued advanced academic degrees, Dr. Gebbie received an undergraduate degree in physics from Bryn Mawr. She went on to receive a B.S. in astronomy and a Ph.D. in physics from University College London. She began her career in 1966 by doing astrophysics research at the Joint Institute for Lab Physics—JILA—a cooperative enterprise between the University of Colorado at Boulder and NIST. She later joined NIST as a physicist in 1968, working in the quantum physics division of JILA.

Dr. Gebbie's ascent into a leadership role began in 1981, when she was named as a scientific assistant at the National Measurement Laboratory. In 1983, she became a program analyst for then-NIST Director Ernest Ambler and his deputy, Ray Kammer. In 1985, Dr. Ambler appointed Dr. Gebbie as the chief of JILA's quantum physics division, and in 1989, she was named as acting director of the new NIST Center for Atomic, Molecular, and Optical Physics at NIST's main facility, in Gaithersburg, MD.

From there, Dr. Gebbie's responsibilities only grew, reflecting her outstanding leadership, effective integration of emerging technologies, and unwavering dedication to the team of scientists and engineers who served under her. In 1990, Dr. Gebbie was named as the founding director of NIST's physics laboratory, which merged elements of five predecessor facilities based in Maryland and Colorado. Under her management, the NIST physics laboratory flourished. Her extensive support for her staff in the form of increased funding, encouragement, and logistical support contributed to an overall environment of scientific freedom, creativity, and innovation. The physics laboratory's scientific advances under her directorship are too numerous to recount here. Chief among them were progress in atomic clock technology, nanotechnology, advanced research on ultra-cold matter, and Bose-Einstein condensation—all of which prompted developments in a variety of scientific fields and helped to further establish NIST's status as ''America's laboratory.''

Out of this atmosphere, an impressive four physicists in Dr. Gebbie's organizational unit—Bill Phillips, Jan Hall, Eric Cornell, and David Wineland—were awarded Nobel prizes between 1997 and 2012. Other scientists honored under her leadership include MacArthur Fellowship winners Debbie Jin and Ana Maria Rey and International Union of Pure & Applied Physics—IUPAP—Young Scientist Prize winners Till Rosenband, Ian Spielman, Jacob Taylor, and Gretchen Campbell.

Among Dr. Gebbie's greatest contributions to the scientific community include her early promotion of the internet as a means of sharing scientific data at NIST through the laboratory's Electronic Commerce in Scientific & Engineering Data program and her support of a broad range of NIST initiatives and external programming like the Center for Nanoscale Science & Technology and the Joint Quantum Institute, a research partnership between the University of Maryland and NIST, founded in 2006.

Perhaps the most enduring aspect of Dr. Gebbie's legacy, however, will be the programs she pioneered to support diversity and her tireless efforts to promote the inclusion of women and minorities in so-called STEM—science, technology, engineering, and mathematics—fields around the country. In 1993, NIST implemented the Summer Undergraduate Research Fellowships—SURF—program, aimed at integrating under-represented minorities into the laboratory, allowing students to participate in the cutting-edge scientific and mathematical research at NIST. The program has since expanded to every NIST laboratory and is jointly funded by the National Science Foundation.

For her contributions to the scientific community and to the Nation, Dr. Gebbie has been recognized with numerous accolades, including the Women in Science & Engineering Lifetime Achievement Award, the Presidential Rank Awards for Meritorious Senior Executives, the Partnership for Public Service's Samuel J. Heyman Service to America Career Achievement Award, the Women in Science & Engineering WISE Award, and two Department of Commerce gold medals. She also serves as a fellow of the American Academy of Arts & Sciences, a fellow of the American Association for the Advancement of Science, a fellow of the American Physical Society, a fellow of the Washington Academy of Sciences, and she previously participated in the 2nd IUPAP International Conference on Women in Physics.

I ask my colleagues to join me in saluting Dr. Gebbie and in celebrating her legacy as one of the American scientific community's trailblazers. Her work will undoubtedly open the doors for countless scientists to come.

ADDITIONAL STATEMENTS

TRIBUTE TO MATTHEW BROWN

• Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Matthew Brown for his hard work as an intern in my Cheyenne office. I recognize his efforts and contributions to my office.

Matthew is from Laramie, WY, and a graduate of Laramie High School. He received a degree in history from the University of Wyoming. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Matthew for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.•

TRIBUTE TO THOMAS MAPES

• Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Thomas Mapes for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Thomas is a graduate of the University of Colorado, where he received a bachelor's degree in economics. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Thomas for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.•

TRIBUTE TO ANDREW NEWBOLD

• Mr. BARRASSO. Madam President, I wish to take the opportunity to express my appreciation to Andrew Newbold for his hard work as an intern in my Rock Springs Office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Andrew resides in Rock Springs, WY, and attends Western Wyoming Community College, where he is studying public administration. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Andrew for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.•

TRIBUTE TO ADAM STAHL

• Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Adam Stahl for his hard work as an intern in my Republican Policy Committee office. I recognize his efforts and contributions to my office.

Adam is from Guilford, CT, and a graduate of the University of Rochester, where he majored in history. He recently received a Master of Philosophy, Russian, and East European Studies degree from the University of Oxford. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Adam for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

TRIBUTE TO HAYDEN TRUE

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Hayden True for his hard work as an intern in my Casper office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Hayden is a native of Casper, WY. He currently attends Casper College, where he is studying science and medicine. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Hayden for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

TRIBUTE TO ALYSSA VOLLMER

● Mr. BARRASSO. Madam President, I wish to take the opportunity to express my appreciation to Alyssa Vollmer for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Alyssa is a native of Hanna, WY, and a graduate of Hanna-Elk Mountain Junior/Senior High School. She currently attends Casper College, where she is studying political science. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Alyssa for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO CORPORAL WILLIAM B. SMOAK

● Mr. SCOTT. Madam President, today I would like to honor one of our Lowcountry World War II veterans, 96-year-old, CPL William B. Smoak. After the war, he was awarded multiple medals for his unmatched bravery on the field of battle.

Corporal Smoak was a radio control operator during the war who called in multiple airstrikes on the frontlines. His commanding officer told him that he was the only one of the radio controllers who seemed to be able to keep the radio on the air and thus call in more strikes; and because of this, Corporal Smoak risked his life by volunteering to go to the frontlines daily rather than switching out with the other radio controllers—which is considered by all above and beyond the call of duty.

In and out of the hospital battling malaria during the war and back in the States, he found out his commanding officer had put in for him to receive the Bronze Star. He was also awarded the Asiatic-Pacific Campaign Medal, the World War II Victory Medal, the Philippine Liberation Ribbon, the Good Conduct Medal, the Honorable Service Button WWII, the marksman badge, and the carbine bar.

It is with pride and honor that we recognize William B. Smoak and add his legacy to the CONGRESSIONAL RECORD. We will never forget his sacrifice.●

TRIBUTE TO JOHN MOORE, JR.

● Mr. SCOTT. Madam President, today I wish to acknowledge and honor the outstanding work of Mr. John R. Moore, Jr., of Anderson, SC, for his positive impact on the city. Throughout his over 30 years of exceptional duty, Mr. Moore has greatly enhanced the operations of the city through his hard work and dedication.

John began his journey as a city employee in 1976 and has gone above and beyond the call of duty since then to be a positive addition to city leadership. Displaying a genuine passion to work toward improving the lives of Anderson citizens, John has dedicated much of his career to public service. Appointed to city finance director in 1983 and then to city manager in 1991, Mr. Moore has continually done his due diligence to produce great results. Mr. Moore has taken an active interest in the welfare of the community through his roles in the chamber of commerce, local YMCA, United Way, and other public service organizations.

I acknowledge with pleasure the legacy of service Mr. John R. Moore will be retiring with and thank him for his efforts that will undoubtedly benefit the citizens of Anderson for years to come.●

MESSAGE FROM THE HOUSE

At 10:54 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill and joint resolutions, without amendment:

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 Utility Generating Units''.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4127. An act to authorize appropriations for fiscal year 2016 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ENROLLED BILL SIGNED

The President pro tempore (Mr. HATCH) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 611. An act to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 427. An act to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4127. An act to authorize appropriations for fiscal year 2016 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 2, 2015, she had presented to the President of the United States the following enrolled bill:

S. 611. An act to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship, with amendments:

S. 2139. A bill to amend the Small Business Act to prohibit the use of reverse auctions for the procurement of covered contracts.

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. CASSIDY (for himself and Mr. PETERS):

S. 2340. A bill to require the Director of the Office of Management and Budget to issue a directive on the management of software licenses, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET (for himself, Mr. MARKEY, Ms. CANTWELL, Mr. REID, Mr. DURBIN, Mr. UDALL, Mrs. MCCASKILL, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. WYDEN, Mrs. MURRAY, Mr. CARDIN, Mr. HEINRICH, Mrs. BOXER, Mrs. SHAHEEN, Ms. BALDWIN, Mr. MERKLEY, Ms. STABENOW, Mr. SCHATZ, Mr. BOOKER, Mr. REED, Mr. PETERS, Mr. LEAHY, Ms. KLOBUCHAR, Ms. WARREN, Mr. BLUMENTHAL, Mr. SCHUMER, Ms. MIKULSKI, Mr. BROWN, Mr. SANDERS, Mr. MENENDEZ, Mr. MURPHY, Mr. TESTER, and Ms. HIRONO):

S. 2341. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. NELSON (for himself, Mr. SCHUMER, Mr. MENENDEZ, and Mr. BLUMENTHAL):

S. 2342. A bill to amend titles XVIII and XIX of the Social Security Act to make premium and cost-sharing subsidies available to low-income Medicare part D beneficiaries who reside in Puerto Rico or another territory of the United States; to the Committee on Finance.

By Mr. GARDNER (for himself and Mr. PETERS):

S. 2343. A bill to require the Center for Medicare and Medicaid Innovation to test the effect of including telehealth services in Medicare health care delivery reform models; to the Committee on Finance.

By Mr. COTTON:

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; to the Committee on the Judiciary.

By Mr. BURR (for himself, Mr. ISAKSON, Mr. SCOTT, Mr. ENZI, Mr. GRASSLEY, and Mr. HELLER):

S. 2345. A bill to establish an expedited process for removal of senior executives of the Internal Revenue Service based on performance or misconduct; to the Committee on Finance.

By Mr. NELSON:

S. 2346. A bill to amend the Internal Revenue Code of 1986 to temporarily allow expensing of certain costs of replanting citrus plants lost by reason of casualty; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself and Ms. BALDWIN):

S. Res. 324. A resolution designating December 3, 2015, as ''National Phenylketonuria Awareness Day''; considered and agreed to.

By Mr. ISAKSON (for himself and Mr. BLUMENTHAL):

S. Res. 325. A resolution permitting the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings; considered and agreed to.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. TESTER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 170, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 542

At the request of Mr. COATS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 542, a bill to enhance the homeland security of the United States, and for other purposes.

S. 551

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 551, a bill 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.

S. 579

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 579, a bill to amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

S. 586

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 586, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes, diabetes, and the chronic diseases and conditions that result from diabetes.

S. 613

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 613, a bill to amend the Richard B. Russell National School Lunch Act to improve the efficiency of summer meals.

S. 737

At the request of Mr. BROWN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 737, a bill to amend title XIX of the Social Security Act to extend the application of the Medicare payment rate floor to primary care services furnished under Medicaid and to apply the rate floor to additional providers of primary care services.

S. 786

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 786, a bill to provide paid and family medical leave benefits to certain individuals, and for other purposes.

S. 901

At the request of Mr. MORAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 901, a bill to establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces that are related to that exposure, to establish an advisory board on such health conditions, and for other purposes.

S. 1133

At the request of Mr. FRANKEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1133, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1539

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1539, a bill to amend the Richard B. Russell National School Lunch Act to establish a permanent, nationwide summer electronic benefits transfer for children program.

S. 1832

At the request of Mr. SANDERS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1832, a bill to provide for increases in the Federal minimum wage.

S. 1874

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SHELBY) 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. 1890

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1890, a bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

S. 1928

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1928, a bill to support the education of Indian children.

S. 1935

At the request of Ms. BALDWIN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1935, a bill to require the Secretary of Commerce to undertake certain activities to support waterfront

community revitalization and resiliency.

S. 2051

At the request of Mr. CARPER, the names of the Senator from Kansas (Mr. MORAN), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 2051, a bill to improve, sustain, and transform the United States Postal Service.

S. 2163

At the request of Ms. KLOBUCHAR, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2163, a bill to amend title 23, United States Code, to direct the Secretary of Transportation to require that broadband conduits be installed as a part of certain highway construction projects, and for other purposes.

S. 2178

At the request of Mr. BOOZMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2178, a bill to amend the Internal Revenue Code of 1986 to make permanent certain provisions of the Heartland, Habitat, Harvest, and Horticulture Act of 2008 relating to timber, and for other purposes.

S. 2203

At the request of Mr. NELSON, his name was added as a cosponsor of S. 2203, a bill to amend the Internal Revenue Code of 1986 to make residents of Puerto Rico eligible for the earned income tax credit and to provide equitable treatment for residents of Puerto Rico with respect to the refundable portion of the child tax credit.

S. 2230

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2230, a bill to require the Secretary of State to submit a report to Congress on the designation of the Muslim Brotherhood as a foreign terrorist organization, and for other purposes.

S. 2232

At the request of Mr. PAUL, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2232, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 2235

At the request of Mr. MARKEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2235, a bill to repeal debt collection amendments made by the Bipartisan Budget Act of 2015.

S. 2243

At the request of Mr. JOHNSON, the names of the Senator from Arkansas (Mr. COTTON) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 2243, a bill to amend the fresh fruit and vegetable program under the Richard B. Russell National School Lunch Act to include canned, dried, frozen, or pureed fruits and vegetables.

S. 2311

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2311, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, to make grants to States for screening and treatment for maternal depression.

S. 2337

At the request of Mrs. FEINSTEIN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Connecticut (Mr. MURPHY) 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. RES. 148

At the request of Mr. KIRK, the name of the Senator from Nevada (Mr. HELLER) 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.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 324—DESIGNATING DECEMBER 3, 2015, AS ''NATIONAL PHENYLKETONURIA AWARENESS DAY''

Mr. ISAKSON (for himself and Ms. BALDWIN) submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas phenylketonuria is a rare, inherited metabolic disorder that is characterized by the inability of the body to process the essential amino acid phenylalanine and which causes intellectual disability and other neurological problems, such as memory loss and mood disorders, when treatment is not started within the first few weeks of life;

Whereas phenylketonuria is also referred to as ''PKU'' or Phenylalanine Hydroxylase Deficiency;

Whereas newborn screening for PKU was initiated in the United States in 1963 and was recommended for inclusion in State newborn screening programs under the Newborn Screening Saves Lives Act of 2007 (Public Law 110–204);

Whereas approximately 1 out of every 15,000 infants in the United States is born with PKU;

Whereas PKU is treated with medical food;

Whereas the 2012 Phenylketonuria Scientific Review Conference affirmed the recommendation of lifelong dietary treatment for PKU made by the National Institutes of Health Consensus Development Conference Statement 2000;

Whereas in 2014, the American College of Medical Genetics and Genomics and Genetic Metabolic Dieticians International published medical and dietary guidelines on the optimal treatment of PKU;

Whereas medical foods are medically necessary for children and adults living with PKU;

Whereas adults with PKU who discontinue treatment are at risk for serious medical issues such as depression, impulse control disorder, phobias, tremors, and pareses;

Whereas women with PKU must maintain strict metabolic control before and during pregnancy to prevent fetal damage;

Whereas children born from untreated mothers with PKU may have a condition known as ''maternal phenylketonuria syndrome'', which can cause small brains, intellectual disabilities, birth defects of the heart, and low birth weights;

Whereas although there is no cure for PKU, treatment involving medical foods, medications, and restriction of phenylalanine intake can prevent progressive, irreversible brain damage;

Whereas access to health insurance coverage for medical food varies across the United States and the long-term costs associated with caring for untreated children and adults with PKU far exceed the cost of providing medical food treatment;

Whereas gaps in medical foods coverage have a detrimental impact on individuals with PKU, their families, and society;

Whereas scientists and researchers are hopeful that breakthroughs in PKU research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving PKU; and

Whereas the Senate is an institution that can raise awareness of PKU among the general public and the medical community: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 3, 2015, as ''National Phenylketonuria Awareness Day'';

(2) encourages all people in the United States to become more informed about phenylketonuria and the role of medical foods in treating phenylketonuria; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the National PKU Alliance, a nonprofit organization dedicated to improving the lives of individuals with phenylketonuria.

SENATE RESOLUTION 325—PERMITTING THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

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

S. RES. 325

Resolved,

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may collect from another Senator, officer of the Senate, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving persons in need or members of the Armed Forces and the families of those members during the holiday season, if

the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described under paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the first session of the 114th Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2875. Mr. JOHNSON (for himself and Mr. GARDNER) 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.

SA 2876. Mrs. MURRAY (for herself, Mr. WYDEN, Mr. SANDERS, Mr. MARKEY, Mr. WARNER, Mr. COONS, and Ms. STABENOW) proposed an amendment to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2877. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2878. Mr. TOOMEY (for himself and Mr. COATS) 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 2879. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2880. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2881. Mr. DURBIN (for himself, Mr. REED, Mr. WHITEHOUSE, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2882. Mr. HELLER 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 2883. Mr. BROWN (for himself, Ms. STABENOW, Mr. CASEY, Mr. WYDEN, and Ms. HIRONO) 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 2884. Mr. MCCAIN (for himself and Ms. KLOBUCHAR) 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 2885. Ms. COLLINS (for herself, Ms. MURKOWSKI, 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; which was ordered to lie on the table.

SA 2886. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2887. Ms. HIRONO (for herself and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2888. Mr. COATS (for himself and Mr. TOOMEY) 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 2889. Mr. FLAKE 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 2890. Mr. FLAKE 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.

TEXT OF AMENDMENTS

SA 2875. Mr. JOHNSON (for himself and Mr. GARDNER) 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. ____. AMENDMENT TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) IN GENERAL.—Part 2 of subtitle C of title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18011 et seq.) is amended by striking section 1251 and inserting the following:

"SEC. 1251. FREEDOM TO MAINTAIN EXISTING COVERAGE.

''(a) NO CHANGES TO EXISTING COVERAGE.—

''(1) IN GENERAL.—Nothing in this Act (or an amendment made by this Act) shall be construed to require that an individual terminate coverage under a group health plan or health insurance coverage in which such individual was enrolled during any part of the period beginning on the date of enactment of this Act and ending on December 31, 2013.

''(2) CONTINUATION OF COVERAGE.—With respect to a group health plan or health insurance coverage in which an individual was enrolled during any part of the period beginning on the date of enactment of this Act and ending on December 31, 2013, this subtitle and subtitle A (and the amendments made by such subtitles) shall not apply to such plan or coverage, regardless of whether the individual renews such coverage.

''(b) ALLOWANCE FOR FAMILY MEMBERS TO JOIN CURRENT COVERAGE.—With respect to a group health plan or health insurance coverage in which an individual was enrolled during any part of the period beginning on the date of enactment of this Act and ending on December 31, 2013, and which is renewed, family members of such individual shall be permitted to enroll in such plan or coverage if such enrollment is permitted under the terms of the plan in effect as of such date of enrollment.

''(c) ALLOWANCE FOR NEW EMPLOYEES TO JOIN CURRENT PLAN.—A group health plan that provides coverage during any part of the period beginning on the date of enactment of this Act and ending on December 31, 2013, may provide for the enrolling of new employees (and their families) in such plan, and this subtitle and subtitle A (and the amendments made by such subtitles) shall not apply with respect to such plan and such new employees (and their families).

''(d) EFFECT ON COLLECTIVE BARGAINING AGREEMENTS.—In the case of health insurance coverage maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers that was ratified before December 31, 2013, the provisions of this subtitle and subtitle A (and the amendments made by such subtitles) shall not apply until the date on which the last of the collective bargaining agreements relating to the coverage terminates. Any coverage amendment made pursuant to a collective bargaining agreement relating to the coverage which amends the coverage solely to conform to any requirement added by this subtitle or subtitle A (or amendments) shall not be treated as a termination of such collective bargaining agreement.

''(e) DEFINITION.—In this title, the term 'grandfathered health plan' means any group health plan or health insurance coverage to which this section applies.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Patient Protection and Affordable Care Act (Public Law 111–148).

SA 2876. Mrs. MURRAY (for herself, Mr. WYDEN, Mr. SANDERS, Mr. MARKEY, Mr. WARNER, Mr. COONS, and Ms. STABENOW) 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:

Strike section 101 and insert the following:

SEC. 101. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) comprehensive access to reproductive health care is critical to improving the health and well-being of women and their families and is an essential part of their economic security;

(2) access to affordable contraceptives, including emergency contraceptives, and medically accurate information prevents unintended pregnancies, thereby improving the health of women, children, families, and society as a whole;

(3) it is imperative that women have access to the full range of reproductive health care services;

(4) women's health care providers, including Planned Parenthood, provide critical services such as birth control, cancer screenings, and other services, to millions of men and women across the United States; and

(5) all women and men should be able to access health care services without fear or intimidation or threat of violence.

SEC. 101A. WOMEN'S HEALTH CARE AND CLINIC SECURITY AND SAFETY FUND.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et. seq.) is amended by inserting after section 1941 the following new section:

''WOMEN'S HEALTH CARE AND CLINIC SECURITY AND SAFETY FUND

''SEC. 1941A. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish under this title a Women's Health Care and Clinic Security and Safety Fund (in this section referred to as the 'Fund') which shall be available to the Secretary for the purpose of making payments to women's health clinics or providers for the provision of eligible services to individuals described in subsection (b) and for expenditures of women's health clinics or providers that are attributable to ensuring the security and safety of such clinics or providers and of their staff and patients. Payments made from the Fund to women's health clinics or providers for eligible services or for security and safety expenditures shall be in addition to any payments that would otherwise be made to any such clinics or providers for such services or expenditures.

''(2) COORDINATION.—The Secretary shall coordinate with the National Task Force on

Violence Against Health Care Providers established by the Attorney General for purposes of submitting an annual report to Congress on violence against women's health clinics or providers, including violence against the facilities, staff, and patients of such clinics or providers, and shall identify in the report best practices for ensuring the security and safety of such clinics and providers and their facilities, staff, and patients.

''(b) INDIVIDUALS DESCRIBED.—For purposes of subsection (a), individuals described in this subsection are any of the following:

''(1) Any individual who is eligible for medical assistance under a State plan under this title or a waiver of such plan.

''(2) Any individual who does not have health insurance coverage.

''(3) Any individual who has health insurance coverage but is under insured, or who is otherwise determined by a women's health clinic or provider to need services.

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE SERVICES.—The term 'eligible services' means any health care item or service for which medical assistance is available under any State plan under this title or under any waiver of any State plan that is in effect on the date of enactment of this section.

''(2) WOMEN'S HEALTH CLINIC OR PROVIDER DEFINED.—The term 'women's health clinic or provider' means an entity, including its affiliates, subsidiaries, successors, and clinics that, as of the date of enactment of this section—

''(A) 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;

''(B) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on such date of enactment), that is primarily engaged in family planning services, reproductive health, and related medical care; and

''(C) 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.

''(d) APPLICATIONS, DETERMINATION OF PAYMENT AMOUNTS, ADVANCE PAYMENT.—

''(1) IN GENERAL.—Not later than March 1, 2016, the Secretary shall establish a process under which a women's health provider may request payments from the Fund.

''(2) DETERMINATION OF PAYMENT AMOUNTS; ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—As part of the process established under paragraph (1), the Secretary shall establish procedures for—

''(A) ensuring that amounts available for making payments from the Fund are equitably distributed among all the women's health clinics or providers that apply for such payments for a fiscal year;

''(B) making payments under this section for each quarter of a fiscal year on the basis of advance estimates of expenditures submitted by women's health clinics or providers for such payments and such other investigation as the Secretary may find necessary; and

''(C) making reductions or increases in the payments as necessary to adjust for any overpayment or underpayment for prior quarters of such fiscal year.

''(e) FUNDING.—

''(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund, $1,000,000,000 for the period of fiscal years 2016 through 2025.

''(2) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.''.

SEC. 101B. 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.

SA 2877. Mr. LANKFORD submitted an amendment intended to be proposed by him 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. ____. HEALTH CARE COMPACT PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Administrator of the Centers for Medicare & Medicaid Services, shall establish a pilot program to permit at least 5 States to enter into the health care compact described in subsection (d).

(b) ELIGIBILITY.—To be eligible to participate in the pilot program established under

subsection (a), a State shall certify to the Secretary, that—

(1) the State has, in a manner consistent with that State's constitution, joined the Health Care Compact on or before January 1, 2017;

(2) all funds transferred to the State under subsection (f)(5) will be expended only on health care as defined in subsection (f)(1)(D); and

(3) the State has appointed a member to the Interstate Advisory Health Care Commission established under subsection (f)(6).

(c) EXCLUSIONS TO COMPACT CONSENT.—Notwithstanding the consent to the Health Care Compact granted under this section, the powers granted to member States under paragraphs (2), (3), and (4) of subsection (f) (the Health Care Compact) shall not apply with regard to the agencies described in subsection (d), and the Member State Base Funding Level and Member State Current Year Funding Level shall not include funds expended by such agencies.

(d) EXCLUDED AGENCIES.—The agencies described in this subsection are—

(1) the National Institutes for Health;

(2) the Centers for Disease Control and Prevention; and

(3) the Food and Drug Administration.

(e) REQUEST FOR APPLICATIONS AND ANNOUNCEMENT OF DETERMINATIONS.—

(1) APPLICATIONS.—Not later than January 1, 2017, the Secretary shall publish a request for applications to participate in the program established under subsection (a). The period for accepting such applications shall close on June 30, 2017.

(2) DETERMINATIONS.—Not later than December 31, 2017, the Secretary shall notify States submitting applications under paragraph (1) of the determinations of the Secretary with respect to such applications.

(f) HEALTH CARE COMPACT.—The health care compact described in this subsection is as follows:

(1) DEFINITIONS.—In this subsection:

(A) COMMISSION.—The term ''Commission'' means the Interstate Advisory Health Care Commission established under paragraph (6).

(B) COMPACT.—The term ''Compact'' means the Compact described in this subsection that is entered into by a State under the program established under subsection (a).

(C) EFFECTIVE DATE.—The term ''effective date'' means the date upon which this Compact shall become effective for purposes of the operation of State and Federal law in a Member State, which shall be the later of—

(i) the date upon which this Compact shall be adopted under the laws of the Member State; or

(ii) the date upon which this Compact receives the consent of Congress pursuant to Article I, Section 10, of the United States Constitution, after at least two Member States adopt this Compact.

(D) HEALTH CARE.—The term ''health care'' means care, services, supplies, or plans related to the health of an individual and includes—

(i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of an individual or that affects the structure or function of the body;

(ii) sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription; and

(iii) an individual or group plan that provides, or pays the cost of, care, services, or supplies related to the health of an individual;

except any care, services, supplies, or plans provided by the Department of Defense and Department of Veteran Affairs, or provided to Native Americans.

(E) MEMBER STATE.—The term ''member State'' means a State that has—

(i) an application for participation in the program established under subsection (a) approved by the Secretary; and

(ii) adopted the Compact under the laws of that State.

(F) MEMBER STATE BASE FUNDING LEVEL.—The term ''member State base funding level'' means a number equal to the total Federal spending on health care in the member State during Federal fiscal year 2010. On or before the effective date, each member State shall determine the member State base funding level for its State, and that number shall be binding upon that member State.

(G) MEMBER STATE CURRENT YEAR FUNDING LEVEL.—The term ''member State current year funding level'' with respect to a member State, means the member State base funding level multiplied by the member State current year population adjustment factor multiplied by the current year inflation adjustment factor for the State.

(H) MEMBER STATE CURRENT YEAR POPULATION ADJUSTMENT FACTOR.—The term ''member State current year population adjustment factor'' with respect to a member State, means the average population of the member State in the current year less the average population of the member State in Federal fiscal year 2010, divided by the average population of the member State in Federal fiscal year 2010, plus 1. The average population in a member State shall be determined by the United States Census Bureau.

(I) CURRENT YEAR INFLATION ADJUSTMENT FACTOR.—The term ''current year inflation adjustment factor'' means the total gross domestic product deflator in the current year divided by the total gross domestic product deflator in Federal fiscal year 2010. The total gross domestic product deflator shall be determined by the Bureau of Economic Analysis of the Department of Commerce.

(2) PLEDGE.—The member States shall take joint and separate action under this Compact to return the authority to regulate health care to the member States consistent with the goals and principles articulated in this Compact. The member States shall improve health care policy within their respective jurisdictions and according to the judgment and discretion of each of the member States.

(3) LEGISLATIVE POWER.—The legislatures of the member States have the primary responsibility to regulate health care in their respective States under the Compact.

(4) STATE CONTROL.—Each member State, within its State, may suspend by legislation the operation of all Federal laws, rules, regulations, and orders regarding health care that are inconsistent with the laws and regulations adopted by the member State pursuant to this Compact. Federal and State laws, rules, regulations, and orders regarding health care shall remain in effect unless a member State expressly suspends such laws, rules, regulations and orders pursuant to the authority provided under this Compact. For any Federal law, rule, regulation, or order that remains in effect in a member State under this paragraph after the effective date, that member State shall be responsible for the associated funding obligations in its State.

(5) FUNDING.—

(A) IN GENERAL.—Each Federal fiscal year, each member State shall have the right to Federal funds up to an amount equal to its member State current year funding level for that Federal fiscal year, provided by Congress as mandatory spending and not subject to annual appropriation, to support the exercise of member State authority under this Compact. Such funding shall not be conditional on any action of or regulation, policy, law, or rule being adopted by the member State.

(B) INITIAL FUNDING LEVEL.—By the beginning of each Federal fiscal year, Congress shall establish an initial member State current year funding level for each member State, based upon reasonable estimates. The final member State current year funding level shall be calculated, and funding shall be reconciled by Congress based upon information provided by each member State and audited by the Government Accountability Office.

(6) INTERSTATE ADVISORY HEALTH CARE COMMISSION.—

(A) ESTABLISHMENT.—There shall be established by the members States an Interstate Advisory Health Care Commission to be composed of members appointed by each member State through a process to be determined by each member State. A member State may not appoint more than two members to the Commission and may withdraw membership from the Commission at any time. Each Commission member shall be entitled to one vote. The Commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the Commission's total membership.

(B) CHAIRPERSON; BYLAWS; MEETINGS.—The Commission shall elect from among its membership a Chairperson. The Commission may adopt and publish bylaws and policies that are not inconsistent with the Compact. The Commission shall meet at least once a year, and may meet more frequently.

(C) STUDIES AND RECOMMENDATIONS.—The Commission may study issues of health care regulation that are of particular concern to the member States. The Commission may make non-binding recommendations to the member States. The legislatures of the member States may consider such recommendations in determining the appropriate health care policies in their respective States.

(D) INFORMATION AND DATA.—The Commission shall collect information and data to assist the member States in their regulation of health care, including assessing the performance of various State health care programs and compiling information on the prices of health care. The Commission shall make this information and data available to the legislatures of the member States. Notwithstanding any other provision in the Compact, no member State shall disclose to the Commission the individually identifiable health information of any individual, nor shall the Commission disclose any such health information of any individual.

(E) FUNDING.—The Commission shall be funded by the member States as agreed to by the member States. The Commission shall have the responsibilities and duties as may be conferred upon it by subsequent action of the respective legislatures of the member States in accordance with the terms of the Compact.

(F) LIMITATION.—The Commission shall not take any action within a member State that contravenes any State law of that member State.

SA 2878. Mr. TOOMEY (for himself and Mr. COATS) 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 INCREASE IN MINIMUM DEDUCTION FOR MEDICAL, DENTAL, ETC., EXPENSES.

(a) ALLOWANCE OF DEDUCTION.—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 amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SA 2879. Mr. GARDNER submitted an amendment intended to be proposed by him 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. ___. EXPEDITED REPAYMENT OF LOANS BY CO-OPS.

Section 1322(b)(3) of the Patient Protection and Affordable Care Act (42 U.S.C. 18042(b)(3)) is amended by striking ''loans shall'' and all that follows through ''15 years'' and inserting ''loans and grants shall be repaid within 5 years''.

SA 2880. Mr. GARDNER submitted an amendment intended to be proposed by him 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 CONSIDERING CERTAIN OBLIGATIONS IN THE SETTING OF PREMIUMS.

A person that has received a loan under section 1322(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 18042(b)) shall not take into consideration any payments made or received under sections 1341 and 1342 of such Act (42 U.S.C. 18061 and 18062) in their business plans in setting the premium amounts for enrollment in health insurance coverage offered by such person.

SA 2881. Mr. DURBIN (for himself, Mr. REED, Mr. WHITEHOUSE, and Mr. SANDERS) submitted an amendment intended to be proposed by him 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. ___. 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.

SA 2882. Mr. HELLER 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:

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

SA 2883. Mr. BROWN (for himself, Ms. STABENOW, Mr. CASEY, Mr. WYDEN, and Ms. HIRONO) 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 end of title I, add the following:

SEC. 107. FMAP FOR THE MEDICAID EXPANSION POPULATION.

Section 1905(y)(1) of the Social Security Act (42 U.S.C. 1396d(y)(1)) is amended by striking the semicolon after ''2016'' and all that follows through ''2020''.

SEC. 108. 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. 109. 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. 110. 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.

SA 2884. Mr. MCCAIN (for himself and Ms. KLOBUCHAR) 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. _____. 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.''.

SA 2885. Ms. COLLINS (for herself, Ms. MURKOWSKI, 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; which was ordered to lie on the table; as follows:

Strike section 101.

SA 2886. Mr. REID submitted an amendment intended to be proposed by him 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. ____. PROHIBITION ON FIREARM POSSESSION.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(9), by inserting ''or of a misdemeanor offense described in section 248(a) that involves force, the threat of force, or violent physical obstruction'' before the period at the end; and

(2) in subsection (g)(9), by inserting ''or of a misdemeanor offense described in section 248(a) that involves force, the threat of force, or violent physical obstruction'' before the comma at the end.

SA 2887. Ms. HIRONO (for herself and Mr. BROWN) submitted an amendment intended to be proposed by her 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 end of the bill, add the following:

SEC. _____. FEDERAL PELL GRANTS.

Section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)) is amended—

(1) in paragraph (2)(A), by striking ''The amount'' and inserting ''Except as provided in paragraph (8), the amount''; and

(2) by adding at the end the following:

''(8) MANDATORY FUNDING FOR FISCAL YEARS 2016 THROUGH 2020.—

''(A) IN GENERAL.—For each of fiscal years 2016 through 2020, there are authorized to be appropriated, and there are appropriated $26,354,000,000 to carry out this section, which amount shall be increased for each of such fiscal years by a percentage equal to the percentage change in the Consumer Price Index (as determined by the Secretary, using the definition in section 478(f)) for the most recent calendar year ending prior to the beginning of that fiscal year.

''(B) PROHIBITION OF DISCRETIONARY APPROPRIATIONS.—No funds other than funds provided under subparagraph (A) shall be appropriated to carry out this section for the period of fiscal years described in subparagraph (A).''.

SEC. _____. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIPS.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIPS.

''(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

''(1) IN GENERAL.—Notwithstanding section 702(b)—

''(A) an amount equal to the net capital gain with respect to such interest for any partnership taxable year shall be treated as ordinary income, and

''(B) subject to the limitation of paragraph (2), an amount equal to the net capital loss with respect to such interest for any partnership taxable year shall be treated as an ordinary loss.

''(2) RECHARACTERIZATION OF LOSSES LIMITED TO RECHARACTERIZED GAINS.—The amount treated as ordinary loss under paragraph (1)(B) for any taxable year shall not exceed the excess (if any) of—

''(A) the aggregate amount treated as ordinary income under paragraph (1)(A) with respect to the investment services partnership interest for all preceding partnership taxable years to which this section applies, over

''(B) the aggregate amount treated as ordinary loss under paragraph (1)(B) with respect to such interest for all preceding partnership taxable years to which this section applies.

''(3) ALLOCATION TO ITEMS OF GAIN AND LOSS.—

''(A) NET CAPITAL GAIN.—The amount treated as ordinary income under paragraph (1)(A) shall be allocated ratably among the items of long-term capital gain taken into account in determining such net capital gain.

''(B) NET CAPITAL LOSS.—The amount treated as ordinary loss under paragraph (1)(B) shall be allocated ratably among the items of long-term capital loss and short-term capital loss taken into account in determining such net capital loss.

''(4) TERMS RELATING TO CAPITAL GAINS AND LOSSES.—For purposes of this section—

''(A) IN GENERAL.—Net capital gain, long-term capital gain, and long-term capital loss, with respect to any investment services partnership interest for any taxable year, shall be determined under section 1222, except that such section shall be applied—

''(i) without regard to the recharacterization of any item as ordinary income or ordinary loss under this section,

''(ii) by only taking into account items of gain and loss taken into account by the holder of such interest under section 702 (other than subsection (a)(9) thereof) with respect to such interest for such taxable year, and

''(iii) by treating property which is taken into account in determining gains and losses to which section 1231 applies as capital assets held for more than 1 year.

''(B) NET CAPITAL LOSS.—The term 'net capital loss' means the excess of the losses from sales or exchanges of capital assets over the gains from such sales or exchanges. Rules similar to the rules of clauses (i) through (iii) of subparagraph (A) shall apply for purposes of the preceding sentence.

''(5) SPECIAL RULE FOR DIVIDENDS.—Any dividend allocated with respect to any investment services partnership interest shall not be treated as qualified dividend income for purposes of section 1(h).

''(6) SPECIAL RULE FOR QUALIFIED SMALL BUSINESS STOCK.—Section 1202 shall not apply to any gain from the sale or exchange of qualified small business stock (as defined in section 1202(c)) allocated with respect to any investment services partnership interest.

''(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

''(1) GAIN.—

''(A) IN GENERAL.—Any gain on the disposition of an investment services partnership interest shall be—

''(i) treated as ordinary income, and

''(ii) recognized notwithstanding any other provision of this subtitle.

''(B) GIFT AND TRANSFERS AT DEATH.—In the case of a disposition of an investment services partnership interest by gift or by reason of death of the taxpayer—

''(i) subparagraph (A) shall not apply,

''(ii) such interest shall be treated as an investment services partnership interest in the hands of the person acquiring such interest, and

''(iii) any amount that would have been treated as ordinary income under this subsection had the decedent sold such interest immediately before death shall be treated as an item of income in respect of a decedent under section 691.

''(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

''(A) the aggregate amount treated as ordinary income under subsection (a) with respect to such interest for all partnership taxable years to which this section applies, over

''(B) the aggregate amount treated as ordinary loss under subsection (a) with respect to such interest for all partnership taxable years to which this section applies.

''(3) ELECTION WITH RESPECT TO CERTAIN EXCHANGES.—Paragraph (1)(A)(ii) shall not apply to the contribution of an investment services partnership interest to a partnership in exchange for an interest in such partnership if—

''(A) the taxpayer makes an irrevocable election to treat the partnership interest received in the exchange as an investment services partnership interest, and

''(B) the taxpayer agrees to comply with such reporting and recordkeeping requirements as the Secretary may prescribe.

''(4) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—

''(A) IN GENERAL.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner, the partner receiving such property shall recognize gain equal to the excess (if any) of—

''(i) the fair market value of such property at the time of such distribution, over

''(ii) the adjusted basis of such property in the hands of such partner (determined without regard to subparagraph (C)).

''(B) TREATMENT OF GAIN AS ORDINARY INCOME.—Any gain recognized by such partner under subparagraph (A) shall be treated as ordinary income to the same extent and in the same manner as the increase in such partner's distributive share of the taxable income of the partnership would be treated under subsection (a) if, immediately prior to the distribution, the partnership had sold the distributed property at fair market value and all of the gain from such disposition were allocated to such partner. For purposes of applying subsection (a)(2), any gain treated as ordinary income under this subparagraph shall be treated as an amount treated as ordinary income under subsection (a)(1)(A).

''(C) ADJUSTMENT OF BASIS.—In the case of a distribution to which subparagraph (A) applies, the basis of the distributed property in the hands of the distributee partner shall be the fair market value of such property.

''(D) SPECIAL RULES WITH RESPECT TO MERGERS, DIVISIONS, AND TECHNICAL TERMINATIONS.—In the case of a taxpayer which satisfies requirements similar to the requirements of subparagraphs (A) and (B) of paragraph (3), this paragraph and paragraph (1)(A)(ii) shall not apply to the distribution of a partnership interest if such distribution is in connection with a contribution (or deemed contribution) of any property of the partnership to which section 721 applies pursuant to a transaction described in paragraph (1)(B) or (2) of section 708(b).

''(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

''(1) IN GENERAL.—The term 'investment services partnership interest' means any interest in an investment partnership acquired or held by any person in connection with the conduct of a trade or business described in paragraph (2) by such person (or any person related to such person). An interest in an investment partnership held by any person—

''(A) shall not be treated as an investment services partnership interest for any period before the first date on which it is so held in connection with such a trade or business,

''(B) shall not cease to be an investment services partnership interest merely because such person holds such interest other than in connection with such a trade or business, and

''(C) shall be treated as an investment services partnership interest if acquired from a related person in whose hands such interest was an investment services partnership interest.

''(2) BUSINESSES TO WHICH THIS SECTION APPLIES.—A trade or business is described in this paragraph if such trade or business primarily involves the performance of any of the following services with respect to assets held (directly or indirectly) by one or more investment partnerships referred to in paragraph (1):

''(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

''(B) Managing, acquiring, or disposing of any specified asset.

''(C) Arranging financing with respect to acquiring specified assets.

''(D) Any activity in support of any service described in subparagraphs (A) through (C).

''(3) INVESTMENT PARTNERSHIP.—

''(A) IN GENERAL.—The term 'investment partnership' means any partnership if, at the end of any two consecutive calendar quarters ending after the date of enactment of this section—

''(i) substantially all of the assets of the partnership are specified assets (determined without regard to any section 197 intangible within the meaning of section 197(d)), and

''(ii) less than 75 percent of the capital of the partnership is attributable to qualified capital interests which constitute property held in connection with a trade or business of the owner of such interest.

''(B) LOOK-THROUGH OF CERTAIN WHOLLY OWNED ENTITIES FOR PURPOSES OF DETERMINING ASSETS OF THE PARTNERSHIP.—

''(i) IN GENERAL.—For purposes of determining the assets of a partnership under subparagraph (A)(i)—

''(I) any interest in a specified entity shall not be treated as an asset of such partnership, and

''(II) such partnership shall be treated as holding its proportionate share of each of the assets of such specified entity.

''(ii) SPECIFIED ENTITY.—For purposes of clause (i), the term 'specified entity' means, with respect to any partnership (hereafter referred to as the upper-tier partnership), any person which engages in the same trade or business as the upper-tier partnership and is—

''(I) a partnership all of the capital and profits interests of which are held directly or indirectly by the upper-tier partnership, or

''(II) a foreign corporation which does not engage in a trade or business in the United States and all of the stock of which is held directly or indirectly by the upper-tier partnership.

''(C) SPECIAL RULES FOR DETERMINING IF PROPERTY HELD IN CONNECTION WITH TRADE OR BUSINESS.—

''(i) IN GENERAL.—Except as otherwise provided by the Secretary, solely for purposes of determining whether any interest in a partnership constitutes property held in connection with a trade or business under subparagraph (A)(ii)—

''(I) a trade or business of any person closely related to the owner of such interest shall be treated as a trade or business of such owner,

''(II) such interest shall be treated as held by a person in connection with a trade or business during any taxable year if such interest was so held by such person during any 3 taxable years preceding such taxable year, and

''(III) paragraph (5)(B) shall not apply.

''(ii) CLOSELY RELATED PERSONS.—For purposes of clause (i)(I), a person shall be treated as closely related to another person if, taking into account the rules of section 267(c), the relationship between such persons is described in—

''(I) paragraph (1) or (9) of section 267(b), or

''(II) section 267(b)(4), but solely in the case of a trust with respect to which each current beneficiary is the grantor or a person whose relationship to the grantor is described in paragraph (1) or (9) of section 267(b).

''(D) ANTIABUSE RULES.—The Secretary may issue regulations or other guidance which prevent the avoidance of the purposes of subparagraph (A), including regulations or other guidance which treat convertible and contingent debt (and other debt having the attributes of equity) as a capital interest in the partnership.

''(E) CONTROLLED GROUPS OF ENTITIES.—

''(i) IN GENERAL.—In the case of a controlled group of entities, if an interest in the partnership received in exchange for a contribution to the capital of the partnership by any member of such controlled group would (in the hands of such member) constitute property held in connection with a trade or business, then any interest in such partnership held by any member of such group shall be treated for purposes of subparagraph (A) as constituting (in the hands of such member) property held in connection with a trade or business.

''(ii) CONTROLLED GROUP OF ENTITIES.—For purposes of clause (i), the term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), applied without regard to subsections (a)(4) and (b)(2) of section 1563. A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(F) SPECIAL RULE FOR CORPORATIONS.—For purposes of this paragraph, in the case of a corporation, the determination of whether property is held in connection with a trade or business shall be determined as if the taxpayer were an individual.

''(4) SPECIFIED ASSET.—The term 'specified asset' means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate held for rental or investment, interests in partnerships, commodities (as defined in section 475(e)(2)), cash or cash equivalents, or options or derivative contracts with respect to any of the foregoing.

''(5) RELATED PERSONS.—

''(A) IN GENERAL.—A person shall be treated as related to another person if the relationship between such persons is described in section 267(b) or 707(b).

''(B) ATTRIBUTION OF PARTNER SERVICES.—Any service described in paragraph (2) which is provided by a partner of a partnership shall be treated as also provided by such partnership.

''(d) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

''(1) IN GENERAL.—In the case of any portion of an investment services partnership interest which is a qualified capital interest, all items of gain and loss (and any dividends) which are allocated to such qualified capital interest shall not be taken into account under subsection (a) if—

''(A) allocations of items are made by the partnership to such qualified capital interest in the same manner as such allocations are made to other qualified capital interests held by partners who do not provide any services described in subsection (c)(2) and who are not related to the partner holding the qualified capital interest, and

''(B) the allocations made to such other interests are significant compared to the allocations made to such qualified capital interest.

''(2) AUTHORITY TO PROVIDE EXCEPTIONS TO ALLOCATION REQUIREMENTS.—To the extent provided by the Secretary in regulations or other guidance—

''(A) ALLOCATIONS TO PORTION OF QUALIFIED CAPITAL INTEREST.—Paragraph (1) may be applied separately with respect to a portion of a qualified capital interest.

''(B) NO OR INSIGNIFICANT ALLOCATIONS TO NONSERVICE PROVIDERS.—In any case in which the requirements of paragraph (1)(B) are not satisfied, items of gain and loss (and any dividends) shall not be taken into account under subsection (a) to the extent that such items are properly allocable under such regulations or other guidance to qualified capital interests.

''(C) ALLOCATIONS TO SERVICE PROVIDERS' QUALIFIED CAPITAL INTERESTS WHICH ARE LESS THAN OTHER ALLOCATIONS.—Allocations shall not be treated as failing to meet the requirement of paragraph (1)(A) merely because the allocations to the qualified capital interest represent a lower return than the allocations made to the other qualified capital interests referred to in such paragraph.

''(3) SPECIAL RULE FOR CHANGES IN SERVICES AND CAPITAL CONTRIBUTIONS.—In the case of an interest in a partnership which was not an investment services partnership interest and which, by reason of a change in the services with respect to assets held (directly or indirectly) by the partnership or by reason of a change in the capital contributions to such partnership, becomes an investment services partnership interest, the qualified capital interest of the holder of such partnership interest immediately after such change shall not, for purposes of this subsection, be less than the fair market value of such interest (determined immediately before such change).

''(4) SPECIAL RULE FOR TIERED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of tiered partnerships, all items which are allocated in a manner which meets the requirements of paragraph (1) to qualified capital interests in a lower-tier partnership shall retain such character to the extent allocated on the basis of qualified capital interests in any upper-tier partnership.

''(5) EXCEPTION FOR NO-SELF-CHARGED CARRY AND MANAGEMENT FEE PROVISIONS.—Except as otherwise provided by the Secretary, an interest shall not fail to be treated as satisfying the requirement of paragraph (1)(A) merely because the allocations made by the partnership to such interest do not reflect the cost of services described in subsection (c)(2) which are provided (directly or indirectly) to the partnership by the holder of such interest (or a related person).

''(6) SPECIAL RULE FOR DISPOSITIONS.—In the case of any investment services partnership interest any portion of which is a qualified capital interest, subsection (b) shall not apply to so much of any gain or loss as bears the same proportion to the entire amount of such gain or loss as—

''(A) the distributive share of gain or loss that would have been allocated to the qualified capital interest (consistent with the requirements of paragraph (1)) if the partnership had sold all of its assets at fair market value immediately before the disposition, bears to

''(B) the distributive share of gain or loss that would have been so allocated to the investment services partnership interest of which such qualified capital interest is a part.

''(7) QUALIFIED CAPITAL INTEREST.—For purposes of this section—

''(A) IN GENERAL.—The term 'qualified capital interest' means so much of a partner's interest in the capital of the partnership as is attributable to—

''(i) the fair market value of any money or other property contributed to the partnership in exchange for such interest (determined without regard to section 752(a)),

''(ii) any amounts which have been included in gross income under section 83 with respect to the transfer of such interest, and

''(iii) the excess (if any) of—

''(I) any items of income and gain taken into account under section 702 with respect to such interest, over

''(II) any items of deduction and loss so taken into account.

''(B) ADJUSTMENT TO QUALIFIED CAPITAL INTEREST.—

''(i) DISTRIBUTIONS AND LOSSES.—The qualified capital interest shall be reduced by distributions from the partnership with respect to such interest and by the excess (if any) of the amount described in subparagraph (A)(iii)(II) over the amount described in subparagraph (A)(iii)(I).

''(ii) SPECIAL RULE FOR CONTRIBUTIONS OF PROPERTY.—In the case of any contribution of property described in subparagraph (A)(i) with respect to which the fair market value of such property is not equal to the adjusted basis of such property immediately before such contribution, proper adjustments shall be made to the qualified capital interest to take into account such difference consistent with such regulations or other guidance as the Secretary may provide.

''(C) TECHNICAL TERMINATIONS, ETC., DISREGARDED.—No increase or decrease in the qualified capital interest of any partner shall result from a termination, merger, consolidation, or division described in section 708, or any similar transaction.

''(8) TREATMENT OF CERTAIN LOANS.—

''(A) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS QUALIFIED CAPITAL INTEREST OF SERVICE PROVIDING PARTNERS.—For purposes of this subsection, an investment services partnership interest shall not be treated as a qualified capital interest to the extent that such interest is acquired in connection with the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any other partner or the partnership (or any person related to any such other partner or the partnership). The preceding sentence shall not apply to the extent the loan or other advance is repaid before the date of the enactment of this section unless such repayment is made with the proceeds of a loan or other advance described in the preceding sentence.

''(B) REDUCTION IN ALLOCATIONS TO QUALIFIED CAPITAL INTERESTS FOR LOANS FROM NONSERVICE-PROVIDING PARTNERS TO THE PARTNERSHIP.—For purposes of this subsection, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services described in subsection (c)(2) to the partnership (or any person related to such partner) shall be taken into account in determining the qualified capital interests of the partners in the partnership.

''(9) SPECIAL RULE FOR QUALIFIED FAMILY PARTNERSHIPS.—

''(A) IN GENERAL.—In the case of any specified family partnership interest, paragraph (1)(A) shall be applied without regard to the phrase 'and who are not related to the partner holding the qualified capital interest'.

''(B) SPECIFIED FAMILY PARTNERSHIP INTEREST.—For purposes of this paragraph, the term 'specified family partnership interest' means any investment services partnership interest if—

''(i) such interest is an interest in a qualified family partnership,

''(ii) such interest is held by a natural person or by a trust with respect to which each beneficiary is a grantor or a person whose relationship to the grantor is described in section 267(b)(1), and

''(iii) all other interests in such qualified family partnership with respect to which significant allocations are made (within the meaning of paragraph (1)(B) and in comparison to the allocations made to the interest described in clause (ii)) are held by persons who—

''(I) are related to the natural person or trust referred to in clause (ii), or

''(II) provide services described in subsection (c)(2).

''(C) QUALIFIED FAMILY PARTNERSHIP.—For purposes of this paragraph, the term 'qualified family partnership' means any partnership if—

''(i) all of the capital and profits interests of such partnership are held by—

''(I) specified family members,

''(II) any person closely related (within the meaning of subsection (c)(3)(C)(ii)) to a specified family member, or

''(III) any other person (not described in subclause (I) or (II)) if such interest is an investment services partnership interest with respect to such person, and

''(ii) such partnership does not hold itself out to the public as an investment advisor.

''(D) SPECIFIED FAMILY MEMBERS.—For purposes of subparagraph (C), individuals shall

be treated as specified family members if such individuals would be treated as one person under the rules of section 1361(c)(1) if the applicable date (within the meaning of subparagraph (B)(iii) thereof) were the latest of—

''(i) the date of the establishment of the partnership,

''(ii) the earliest date that the common ancestor holds a capital or profits interest in the partnership, or

''(iii) the date of the enactment of this section.

''(e) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

''(1) IN GENERAL.—If—

''(A) a person performs (directly or indirectly) investment management services for any investment entity,

''(B) such person holds (directly or indirectly) a disqualified interest with respect to such entity, and

''(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income. Rules similar to the rules of subsections (a)(5) and (d) shall apply for purposes of this subsection.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) DISQUALIFIED INTEREST.—

''(i) IN GENERAL.—The term 'disqualified interest' means, with respect to any investment entity—

''(I) any interest in such entity other than indebtedness,

''(II) convertible or contingent debt of such entity,

''(III) any option or other right to acquire property described in subclause (I) or (II), and

''(IV) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

''(ii) EXCEPTIONS.—Such term shall not include—

''(I) a partnership interest,

''(II) except as provided by the Secretary, any interest in a taxable corporation, and

''(III) except as provided by the Secretary, stock in an S corporation.

''(B) TAXABLE CORPORATION.—The term 'taxable corporation' means—

''(i) a domestic C corporation, or

''(ii) a foreign corporation substantially all of the income of which is—

''(I) effectively connected with the conduct of a trade or business in the United States, or

''(II) subject to a comprehensive foreign income tax (as defined in section 457A(d)(2)).

''(C) INVESTMENT MANAGEMENT SERVICES.—The term 'investment management services' means a substantial quantity of any of the services described in subsection (c)(2).

''(D) INVESTMENT ENTITY.—The term 'investment entity' means any entity which, if it were a partnership, would be an investment partnership.

''(f) EXCEPTION FOR DOMESTIC C CORPORATIONS.—Except as otherwise provided by the Secretary, in the case of a domestic C corporation—

''(1) subsections (a) and (b) shall not apply to any item allocated to such corporation with respect to any investment services partnership interest (or to any gain or loss with respect to the disposition of such an interest), and

''(2) subsection (e) shall not apply.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to—

''(1) require such reporting and recordkeeping by any person in such manner and at such time as the Secretary may prescribe for purposes of enabling the partnership to meet the requirements of section 6031 with respect to any item described in section 702(a)(9),

''(2) provide modifications to the application of this section (including treating related persons as not related to one another) to the extent such modification is consistent with the purposes of this section,

''(3) prevent the avoidance of the purposes of this section (including through the use of qualified family partnerships), and

''(4) coordinate this section with the other provisions of this title.

''(h) CROSS REFERENCE.—For 40-percent penalty on certain underpayments due to the avoidance of this section, see section 6662.''.

(b) APPLICATION OF SECTION 751 TO INDIRECT DISPOSITIONS OF INVESTMENT SERVICES PARTNERSHIP INTERESTS.—

(1) IN GENERAL.—Subsection (a) of section 751 of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (1), by inserting ''or'' at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

''(3) investment services partnership interests held by the partnership,''.

(2) CERTAIN DISTRIBUTIONS TREATED AS SALES OR EXCHANGES.—Subparagraph (A) of section 751(b)(1) of such Code is amended by striking ''or'' at the end of clause (i), by inserting ''or'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) investment services partnership interests held by the partnership,''.

(3) APPLICATION OF SPECIAL RULES IN THE CASE OF TIERED PARTNERSHIPS.—Subsection (f) of section 751 of such Code is amended—

(A) by striking ''or'' at the end of paragraph (1), by inserting ''or'' at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

''(3) an investment services partnership interest held by the partnership,'', and

(B) by striking ''partner.'' and inserting ''partner (other than a partnership in which it holds an investment services partnership interest).''.

(4) INVESTMENT SERVICES PARTNERSHIP INTERESTS; QUALIFIED CAPITAL INTERESTS.—Section 751 of such Code is amended by adding at the end the following new subsection:

''(g) INVESTMENT SERVICES PARTNERSHIP INTERESTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'investment services partnership interest' has the meaning given such term by section 710(c).

''(2) ADJUSTMENTS FOR QUALIFIED CAPITAL INTERESTS.—The amount to which subsection (a) applies by reason of paragraph (3) thereof shall not include so much of such amount as is attributable to any portion of the investment services partnership interest which is a qualified capital interest (determined under rules similar to the rules of section 710(d)).

''(3) EXCEPTION FOR PUBLICLY TRADED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of an exchange of an interest in a publicly traded partnership (as defined in section 7704) to which subsection (a) applies—

''(A) this section shall be applied without regard to subsections (a)(3), (b)(1)(A)(iii), and (f)(3), and

''(B) such partnership shall be treated as owning its proportionate share of the property of any other partnership in which it is a partner.

''(4) RECOGNITION OF GAINS.—Any gain with respect to which subsection (a) applies by reason of paragraph (3) thereof shall be recognized notwithstanding any other provision of this title.

''(5) COORDINATION WITH INVENTORY ITEMS.—An investment services partnership interest held by the partnership shall not be treated as an inventory item of the partnership.

''(6) PREVENTION OF DOUBLE COUNTING.—Under regulations or other guidance prescribed by the Secretary, subsection (a)(3) shall not apply with respect to any amount to which section 710 applies.

''(7) VALUATION METHODS.—The Secretary shall prescribe regulations or other guidance which provide the acceptable methods for valuing investment services partnership interests for purposes of this section.''.

(c) TREATMENT FOR PURPOSES OF SECTION 7704.—Subsection (d) of section 7704 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) INCOME FROM CERTAIN CARRIED INTERESTS NOT QUALIFIED.—

''(A) IN GENERAL.—Specified carried interest income shall not be treated as qualifying income.

''(B) SPECIFIED CARRIED INTEREST INCOME.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'specified carried interest income' means—

''(I) any item of income or gain allocated to an investment services partnership interest (as defined in section 710(c)) held by the partnership,

''(II) any gain on the disposition of an investment services partnership interest (as so defined) or a partnership interest to which (in the hands of the partnership) section 751 applies, and

''(III) any income or gain taken into account by the partnership under subsection (b)(4) or (e) of section 710.

''(ii) EXCEPTION FOR QUALIFIED CAPITAL INTERESTS.—A rule similar to the rule of section 710(d) shall apply for purposes of clause (i).

''(C) COORDINATION WITH OTHER PROVISIONS.—Subparagraph (A) shall not apply to any item described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)).

''(D) SPECIAL RULES FOR CERTAIN PARTNERSHIPS.—

''(i) CERTAIN PARTNERSHIPS OWNED BY REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

''(I) Such partnership is treated as publicly traded under this section solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

''(II) Fifty percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

''(III) Such partnership meets the requirements of paragraphs (2), (3), and (4) of section 856(c).

''(ii) CERTAIN PARTNERSHIPS OWNING OTHER PUBLICLY TRADED PARTNERSHIPS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

''(I) Substantially all of the assets of such partnership consist of interests in one or more publicly traded partnerships (determined without regard to subsection (b)(2)).

''(II) Substantially all of the income of such partnership is ordinary income or section 1231 gain (as defined in section 1231(a)(3)).

''(E) TRANSITIONAL RULE.—Subparagraph (A) shall not apply to any taxable year of the partnership beginning before the date which

is 10 years after the date of the enactment of this paragraph.''.

(d) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (7) the following new paragraph:

''(8) The application of section 710(e) or the regulations or other guidance prescribed under section 710(g) to prevent the avoidance of the purposes of section 710.''.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 of such Code is amended by adding at the end the following new subsection:

''(k) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(8), subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.''.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) of such Code is amended by striking ''or (i)'' and inserting '', (i), or (k)''.

(3) SPECIAL RULES FOR APPLICATION OF REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 of such Code is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by striking ''paragraph (3)'' in paragraph (5)(A), as so redesignated, and inserting ''paragraph (4)''; and

(C) by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULE FOR UNDERPAYMENTS ATTRIBUTABLE TO INVESTMENT MANAGEMENT SERVICES.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any portion of an underpayment to which section 6662 applies by reason of subsection (b)(8) unless—

''(i) the relevant facts affecting the tax treatment of the item are adequately disclosed,

''(ii) there is or was substantial authority for such treatment, and

''(iii) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

''(B) RULES RELATING TO REASONABLE BELIEF.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of subparagraph (A)(iii).''.

(e) INCOME AND LOSS FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS TAKEN INTO ACCOUNT IN DETERMINING NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) INTERNAL REVENUE CODE.—

(A) IN GENERAL.—Section 1402(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting ''; and'', and by inserting after paragraph (17) the following new paragraph:

''(18) notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(2) with respect to any entity, investment services partnership income or loss (as defined in subsection (m)) of such individual with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.''.

(B) INVESTMENT SERVICES PARTNERSHIP INCOME OR LOSS.—Section 1402 of such Code is amended by adding at the end the following new subsection:

''(m) INVESTMENT SERVICES PARTNERSHIP INCOME OR LOSS.—For purposes of subsection (a)—

''(1) IN GENERAL.—The term 'investment services partnership income or loss' means, with respect to any investment services partnership interest (as defined in section 710(c)) or disqualified interest (as defined in section 710(e)), the net of—

''(A) the amounts treated as ordinary income or ordinary loss under subsections (b) and (e) of section 710 with respect to such interest,

''(B) all items of income, gain, loss, and deduction allocated to such interest, and

''(C) the amounts treated as realized from the sale or exchange of property other than a capital asset under section 751 with respect to such interest.

''(2) EXCEPTION FOR QUALIFIED CAPITAL INTERESTS.—A rule similar to the rule of section 710(d) shall apply for purposes of applying paragraph (1)(B).''.

(2) SOCIAL SECURITY ACT.—Section 211(a) of the Social Security Act is amended by striking ''and'' at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ''; and'', and by inserting after paragraph (16) the following new paragraph:

''(17) Notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(2) of the Internal Revenue Code of 1986 with respect to any entity, investment services partnership income or loss (as defined in section 1402(m) of such Code) shall be taken into account in determining the net earnings from self-employment of such individual.''.

(f) SEPARATE ACCOUNTING BY PARTNER.—Section 702(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting '', and'', and by inserting after paragraph (8) the following:

''(9) any amount treated as ordinary income or loss under subsection (a), (b), or (e) of section 710.''.

(g) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 of the Internal Revenue Code of 1986 is amended by inserting ''section 710(b)(4) (relating to distributions of partnership property),'' after ''to the extent otherwise provided by''.

(2) Section 741 of such Code is amended by inserting ''or section 710 (relating to special rules for partners providing investment management services to partnerships)'' before the period at the end.

(3) The table of sections for part I of subchapter K of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 710. Special rules for partners providing investment management services to partnerships.''.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes the date of the enactment of this Act, the amount of the net capital gain referred to in such section shall be treated as being the lesser of the net capital gain for the entire partnership taxable year or the net capital gain determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

(A) IN GENERAL.—Section 710(b) of such Code (as added by this section) shall apply to dispositions and distributions after the date of the enactment of this Act.

(B) INDIRECT DISPOSITIONS.—The amendments made by subsection (b) shall apply to transactions after the date of the enactment of this Act.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(e) of such Code (as added by this section) shall take effect on the date of the enactment of this Act.

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.

SA 2888. Mr. COATS (for himself and Mr. TOOMEY) 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. _____. 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''.

SA 2889. Mr. FLAKE 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. ____. SUSPENSION OF SPECIFIED ENERGY GRANTS.

Section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended by adding at the end the following new subsection:

''(k) SPECIAL RULE.—The Secretary of the Treasury shall not make any grant to any person under this section after the date of the enactment of this subsection and before the date that both the Inspector General of the Department of the Treasury and the Treasury Inspector General for Tax Administration have completed and submitted to Congress a comprehensive investigation relating to fraud with respect to the grants allowed under this section, including fraud—

''(1) through overestimating the cost bases of property for purposes of collecting such grants, and

''(2) through claiming both tax benefits and grants with respect to the same property.''.

SA 2890. Mr. FLAKE 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. ____. AUTHORITY TO OFFER ADDITIONAL PLAN OPTIONS.

(a) CATASTROPHIC PLANS.—Notwithstanding title I of the Patient Protection and Affordable Care Act (Public Law 111–148), a catastrophic plan as described in section 1302(e) of such Act shall be deemed to be a qualified health plan (including for purposes of receiving tax credits under section 36B of the Internal Revenue Code of 1986 and cost-sharing assistance under section 1402 of the Patient Protection and Affordable Care Act),

except that for purposes of enrollment in such plans, the provisions of paragraph (2) of such section 1302(e) shall not apply.

(b) INDIVIDUAL MANDATE.—Coverage under a catastrophic plan under subsection (a) shall be deemed to be minimum essential coverage for purposes of section 5000A of the Internal Revenue Code of 1986.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 2, 2015, at 10 a.m., in room 328A of the Russell Senate Office Building, to conduct a hearing entitled ''Agriculture's Role in Combating Global Hunger.''

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

COMMITTEE ON ARMED SERVICES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 2, 2015, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 2, 2015, at 2:15 p.m., to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 2, 2015, at 4 p.m., to conduct a classified briefing entitled ''JCPOA Oversight: The IAEA's Report on the Possible Military Dimensions of the Iranian Nuclear Program.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on December 2, 2015, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''Tribal Law and Order Act (TLOA)—5 Years Later: How have the justice systems in Indian Country improved?''

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

COMMITTEE ON THE JUDICIARY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 2, 2015, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Protecting Trade Secrets: the Impact of Trade Secret Theft on American Competitiveness and Potential Solutions to Remedy This Harm.''

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

COMMITTEE ON THE JUDICIARY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 2, 2015, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Administration's Criminal Alien Removal Policies.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on December 2, 2015, at 2:30 p.m., in room SR–418 of the Russell Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that the following staff members from my staff and from Senator SANDERS' staff be given all-access floor passes for the duration of the consideration of H.R. 3762: Greg D'Angelo, George Everly, Tori Gorman, and Clint Brown from my staff; and Mike Jones, Josh Smith, Jill Harrelson, and Josh Ryan from Senator SANDERS' staff.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern Jeff Slyfield and my intern Maria Givens be given privileges of the floor for the remainder of the day.

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

NATIONAL PHENYLKETONURIA AWARENESS DAY

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 324, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 324) designating December 3, 2015, as ''National Phenylketonuria Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

PERMITTING THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 325, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 325) permitting the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 325) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, DECEMBER 3, 2015

Mr. MCCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, December 3; 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 then resume consideration of H.R. 3762, with the time until 1:30 p.m. equally divided in the usual form; finally, that all debate time on H.R. 3762 be deemed expired at 1:30 p.m. tomorrow.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators Tillis and Ernst.

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

The Senator from Iowa.

OBAMACARE

Mrs. ERNST. Mr. President, promises, promises, promises. Day in and

day out, I hear stories of the broken promises of the President's failed health care law in Iowa and across the country.

President Obama promised health insurance premiums would go down by $2,500. They haven't. In fact, the President's own administration admits that nationwide, premiums in the exchange for the next year have increased by more than 7 percent. The outlook for my State is even worse, with Iowans facing more than a 12-percent increase in premiums.

President Obama's promises don't pay these bills. Real folks in Iowa and across the country do.

Mark from Urbandale shared with me that the double-digit premium increases his family faces for 2016 are unsustainable and that it may be more cost effective to pay the individual mandate penalty instead.

Similarly, Angela from Centerville said that the plan she had hoped to purchase for 2016 increased by nearly $200, and that was the cheapest option for her. If she keeps her current coverage, her family will be strapped with a nearly $1,000-per-month bill for health insurance. She asks: ''How is it possible that the Affordable Care Act has made health care so unaffordable?''

Let me say that again: How is it possible that the Affordable Care Act has made health care so unaffordable?

It is a question I get when traveling all across the State of Iowa. The answer is pretty simple. ObamaCare is wrongly rooted in a Washington-knows-best mentality. Instead of empowering families and individuals to determine what they want and need in their health care plans, Washington has replaced choice with new one-size-fits-all mandates and taxes. It is another costly example of the Washington way failing everyday Americans.

The sad reality is that the consequences of this failed law go far beyond these unaffordable premium increases. Americans were promised job creation and economic growth, but instead we have seen employers reduce employee hours in an effort to avoid ObamaCare's employer mandate.

Small businesses, such as employers at a marina in Okoboji, have halted their plans to expand and create new jobs because of the mandate. They have even quit hiring folks to fill open jobs and had to cut back on hours for their existing employees to bring them to part time.

As employers brace themselves for the impending Cadillac tax, employees are already feeling the effects: rapidly increasing out-of-pocket costs. In fact, Ryan, from Newton, recently learned that his deductible will be doubling next year in anticipation of the tax going into effect.

ObamaCare is not helping these folks; it is hurting them. At a time when we want to see job growth and rising wages, this is simply the wrong approach. Broken promises don't cut it.

Today we have the opportunity to roll back some of ObamaCare's most harmful provisions. Today we can provide much needed relief from the individual and employer mandates and stop the law's trillion dollars in tax hikes—like the health insurance tax, the medical device tax, and the Cadillac tax—from being passed on to the American people. Today we can put patients and doctors back in the driver's seat when it comes to their health care decision-making.

Today I will stand up for Iowans and people all across America to fulfill our promise to them. I am committed to stopping this failed law and paving the way to implement patient-centered options that ensure folks have affordable coverage and access to needed health care services.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, last year the Presiding Officer and I and a number of us went out to the folks in our great States and we promised that if we were elected into a majority, we would do everything we could to repeal and replace ObamaCare. The process the American people are going to witness over the next 24 hours is our fulfillment of that promise.

It will take 51 votes to send a bill to the President's desk that repeals the most egregious provisions of ObamaCare. Once we do that, we can begin to start the process of addressing the legitimate health care problems instead of an option that has made the problems worse. It is a system that will control costs and put patients first. It is a system that puts choice first. It is a system that puts quality ahead of partisan politics.

This will be an open process that we will go through tomorrow, and that is the way it should be. That means it will require some tough votes. Many of my friends on the right may not particularly like or enjoy the amendments that will be offered and then voted on, but I, for one, when confronted with a vote I may otherwise like to support—if I feel it prevents us from moving forward and being successful in sending this bill to the President's desk, then I am prepared to make those tough votes to be absolutely certain we fulfill that fundamental promise of repealing ObamaCare.

However, in the end, this is about doing everything we can to keep our promise to the American people. While we in Congress will put our conscience over politics—if we do—the President seems to put politics over what I believe he and many of my colleagues on the other side of the aisle know is a failed policy. This is exactly the underlying failure of ObamaCare. It was a never-ending list of promises and assurances that have not and never will be realized.

We all remember the same promise we heard over and over again from the President: If you like your health care, you can keep it. If you like your doctors, you can keep them. That has absolutely not happened in my great State of North Carolina, and I would daresay it hasn't happened across the Nation. Millions of Americans were kicked off their plans and given a set of alternatives that were drastically more expensive. They were told they could no longer see the doctors they had visited and trusted for years.

In North Carolina alone, we had over 470,000 cancellation notices. When they promised that if you liked your health care plan, you could keep it, there was a little asterisk there, and the asterisk was, you can keep it if the Federal Government determines that a policy you are satisfied with, they are satisfied with. That is how they say they kept their promise, but it was an empty promise and they haven't kept it.

We also remember the President's promises to make health care more affordable, boasting that ObamaCare would reduce premiums by $2,500. That hasn't happened either. In North Carolina, during the first full year of the exchange rollout, premium prices increased and outpaced the increases in wages and inflation. The average home is spending more on health care and getting less in their paycheck.

The premium prices in the individual insurance market increased by 147 percent—147 percent. This leads to the problem of people having insurance they can't afford to use because they can't afford their deductible or their copay. It has created real-life horror stories of families struggling to make the choice between paying for their health care and paying to keep food on their table.

Last month I received a letter from a North Carolina couple nearing retirement who are lifelong small business owners. These are their words:

> Last year, our premiums for a bare bones policy was nearly $1,000 a month. It is a terrible policy, but nothing else was available within our budget. I received the 2016 rate late last Friday. The premium is going up 40 percent.

So now that $1,000-a-month policy will cost them $1,400 a month with a higher deductible.

The letter continues:

> For the first time in my adult life we may have to forgo having health insurance and take our chances.

I received another letter from another North Carolinian. He wrote:

> I'm a self-employed person barely making ends meet. My wife works 60 hours a week. We might take home close to $40,000 a year. We have done our best to make it on our own with no government assistance. Back in 2008, the company I worked for shut down. Since then, we have gone through all our life savings to make ends meet. When I first started buying our health insurance in 2008, our premiums were around $600 for me and my two daughters. Just received our letter and found out our new premium will jump to $1,700 a month.

These stories are heartbreaking, and they are not unique to North Carolina.

I know each and every Senator, whether they support ObamaCare or want to repeal it, has received similar stories from constituents chronicling how ObamaCare has caused them immeasurable financial and emotional hardship and no better access to affordable health care.

I can tell you that with nearly every one of these letters and calls to my office I receive, my constituents also express their desire for Congress to vote for repeal of the ObamaCare law. It has caused so much pain, and it hasn't solved any problems. That is exactly what the Senate is going to do tomorrow. We are going to keep our word—something I think sometimes citizens feel we just don't do enough of up here in this Chamber. We are going to send a bill to the President's desk that repeals the most egregious portions of ObamaCare.

Keep in mind that many of the bad things that will occur with ObamaCare are not even in place today. If you don't like it now, I guarantee you will not like it next year even more so.

Again, I want to get back to the process for a minute. This process we are going through is one of the unique instances where we can pass a bill and send it to the President's desk with 51 votes. Normally it takes 60. In order for us to be able to pass it with 51 votes, it is going to require us to be very strict in terms of what this bill may or may not have in it. There are going to be games played tomorrow. There will be amendments put out there that Members know would prevent us from being able to send this bill to the President's desk.

I, for one, am going to stand with the leadership, who I appreciate having the courage to bring this bill forward and make sure that we take votes and send this bill—a fulfillment of my promise to the citizens of North Carolina—to the President's desk. And to those who vote against it, Americans, take notice because they are not listening to you. They are not reading the letters and hearing the stories I hear every single day, and they should be held accountable when they are next up for reelection.

Mr. President, I thank the Chair for his time today, and I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:46 p.m., adjourned until Thursday, December 3, 2015, at 9:30 a.m.

EXTENSIONS OF REMARKS

MOTION TO INSTRUCT CONFEREES ON H.R. 644, TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. KIND. Mr. Speaker, America's trade laws only work as well as they are enforced—which is why the Trade Facilitation and Trade Enforcement Act is of such vital importance. Both versions of the bill include vital provisions to modernize our customs process and increase enforcement of our trade laws—including my bill to finally end the importation of goods made by child, slave and forced labor after 75 years. It has been five months since H.R. 644 passed both the House and Senate and it is long past time the two versions of the bill be conferenced. In addition to the provision of the Senate bill which was used in the Democratic Motion to Instruct; there exists another, noncontroversial provision to combat currency manipulation in the legislation. Senator BENNET's amendment, which passed the Senate Finance Committee unanimously, has real teeth. The amendment creates enhanced oversight of international exchange rate policy, authorizes specific remedial actions for the U.S. government to pursue against trading partners that fail to adopt appropriate exchange rate policies, and provides the U.S. government with additional tools for strengthening trade enforcement. The language referenced in the Democratic Motion to Instruct is considered a poison pill by many and could threaten the underlying legislation which is vital to updating our trade enforcement laws for the 21st century.

There are a number of vital differences between the House and Senate versions which will meaningfully impact the United States' ability to enforce our trade laws that must be a priority as we move into the conference process. Differences such as the ENFORCE Act, which helps to enforce duty evasion; creating an enforcement and capacity building fund using a portion of penalties paid by foreign trade cheats; holding our trading partners accountable for this uneven enforcement of environmental regulations; and codifying the Interagency Trade Enforcement Center are issues vital and cannot be bogged down. In light of the existence of the Bennet language which I believe substantively moves the ball forward on currency manipulation, while I support the spirit of the Motion to Instruct I believe it is more important that the customs bill not be bogged down by a controversial provision which could potentially lead to retaliation which would hurt Wisconsin's farmers, workers and businesses. Many of these other provisions will ultimately determine my support for the Trade Facilitation and Trade Enforcement Act and I hope rather than falling into partisan foxholes we can help move this vital piece of legislation forward in a bipartisan manner.

HONORING DR. ARIANE PALMASANI CONABOY, D.O.

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. MARINO. Mr. Speaker, I rise today to recognize Dr. Ariane Palmasani Conaboy. Dr. Conaboy is the 138th President of the Lackawanna County Medical Society and the youngest President in the Society's history. The Lackawanna County Medical Society is a professional association for physicians and physicians in training that promotes an environment which fosters excellence in medical care.

Dr. Conaboy graduated in 2000 from Scranton Preparatory School and went on to graduate from The University of Scranton, where she majored in biochemistry and philosophy. In 2008, Dr. Conaboy earned her Doctor of Osteopathic Medicine degree from the Lake Erie College of Osteopathic Medicine. She went on to complete her internship and residency at Scranton Temple Residency Program.

Dr. Conaboy is certified in Internal Medicine and is currently employed by Physicians Health Alliance, a division of Commonwealth Health, and practices traditional inpatient and outpatient internal medicine. She serves on the Physicians Health Alliance Advisory Board, the Moses Taylor Hospital Medical Executive Committee, and was recently elected Treasurer of the Medical Staff at the hospital.

Dr. Conaboy serves on the Moses Taylor Hospital Credentials Committee and is the physician lead for the finance and contract committee for NEPA Quality Health Alliance, where she also serves as a board member. She is also a member of The Commonwealth Medical College Volunteer Clinical Faculty. Dr. Conaboy is the daughter of Millie Palmasani and the late Michael Palmasani. She is married to an attorney, Kevin, and they have two children, Clare and Kevin.

On behalf of all Pennsylvanians, I am pleased to recognize Dr. Ariane Conaboy for improving the quality of life for citizens through her leadership as the President of the Lackawanna County Medical Society.

HONORING MAST COMMUNITY CHARTER SCHOOL

HON. BRENDAN F. BOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, I rise today in strong support of the Mathematic Science and Technology Community Charter School in my district—known as MaST—which was just recognized as the top charter school in Pennsylvania by the Philadelphia City Council.

Since opening in 1999, MaST has established a proven record as a high-performing charter school in the region, with multiple awards from local, state, and national entities for its advanced curriculum in STEM education. MaST's focus on STEM education has created a high-achieving student body that is well-prepared for and focused on entering post-secondary education. I am proud to say that 93 percent of graduating students have moved directly into a post-secondary institution over the last three years.

Despite these achievements, MaST is only capable of accepting a fraction of the applications it receives every year. This past application year, MaST received 7,165 applications for 96 open spots. I supported a grant application to the U.S. Department of Education which would allow for MaST to meet the needs of a larger body of students who currently lack the tools MaST can provide—particularly advanced education and preparation in STEM fields.

MaST is an impressive model for quality education in Philadelphia. If given the resources to grow, MaST will continue to expand its award-winning curriculum which has contributed to its meteoric rise in the past 16 years. I am proud to support this effort.

RECOGNIZING CARLY IMBIEROWICZ AND DAULTON POINTEK

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. MEEHAN. Mr. Speaker, I rise today to honor the memory of Carly Imbierowicz and Daulton Pointek. Carly and Daulton were two star students at Octorara High School in Chester County, loved and admired by their entire school community. They were the victims of carbon monoxide poisoning. A faulty automobile exhaust pipe allowed the deadly gas to leak into their car. When they were found, the car keys were still in the ignition.

It is important that we spread awareness of this silent killer. The danger of carbon monoxide poisoning is present whenever you combine burning fuel and enclosed spaces, from stoves to gas-powered water heaters and furnaces. These dangers increase in the colder months.

The Imbierowicz and Pointek families have been working to educate our community on these dangers and I admire their dedication to this mission. Their efforts to raise awareness about this issue will save lives and protect more families from having to cope with such terrible tragedies.

HONORING THE LIFETIME MEMBERS OF THE RICHMOND COUNTY VOLUNTEER FIRE DEPARTMENT

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. WITTMAN. Mr. Speaker, I rise today to honor the following Lifetime Members of the Richmond County Volunteer Fire Department: Randy Passagaluppi (22 years), Gary Hayes (23 years), Timmy Brann (25 years), Ray Hinson (25 years), Wayne Mothershead (26 years), Leslie Clark (28 years), Ronnie Mundie (37 years), Fred W. Mothershead (44 years), J.D. Jr. Dawson (45 years), Chris Sanders (45 years), and Webster Sanders (64 years). I thank them for their lifelong service to their community and insuring the safety of Richmond County.

RECOGNIZING THE GRAND OPENING OF SIEGFRIED AND ROY PARK

HON. DINA TITUS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Ms. TITUS. Mr. Speaker, on December 3, 2015, the Clark County Commissioners and Department of Aviation are hosting the grand opening of a 20-acre park near McCarran International Airport, appropriately named for Siegfried Fischbacher and Roy Horn.

What began as a simple magic act aboard a cruise ship in 1957, Siegfried and Roy's show became one of the most successful extravaganzas in Las Vegas history.

Ten years later, Siegfried and Roy began performing in Las Vegas at the Tropicana. The duo went on to perform around the world until 1989 when their act found a permanent home at The Mirage in Las Vegas.

Siegfried and Roy entertained in Las Vegas and internationally for over 30 years to sold-out audiences, delighting more than 25 million fans with their amazing magic while showcasing the beauty and majesty of wild animals. Their passion and talent made a lasting impression on everyone who met them, knew them, or just saw their show.

Siegfried and Roy's act came to an end in 2003, but their spirit lives on at the Secret Garden and Dolphin Habitat exhibits at The Mirage Hotel and Casino, and through their charitable work with the SARMOTI Foundation.

For the past 25 years, Siegfried and Roy's Secret Garden and Dolphin Habitat have encouraged better stewardship of the environment by teaching visitors, students, and scholars about the incredible creatures housed there and about why conservation efforts are so important for maintaining a robust ecosystem and preserving the amazing species that share the earth with us.

Every day at the Secret Garden and Dolphin Habitat, visitors can experience firsthand the enchanting world of bottlenose dolphins, white tigers, white lions, and leopards. In August, the Secret Garden welcomed four tiger cubs to the family, continuing a legacy of commitment to conservation.

The SARMOTI Foundation works to conserve and protect endangered and threatened animals around the world, including tigers, lions, cheetahs, panthers, and leopards.

How appropriate that a park which stands at the gateway to Las Vegas, and District One, should bear their name.

Thank you, Siegfried and Roy, for your service to our community.

RECOGNIZING THE 20TH ANNIVERSARY OF PEACETREES VIETNAM

HON. DEREK KILMER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. KILMER. Mr. Speaker, I rise today to recognize the 20th anniversary of PeaceTrees Vietnam and their continued service to help heal communities affected by war. PeaceTrees Vietnam's tireless work alongside the Vietnamese people honors those who have given their lives in service and fosters trust and collaboration between our two nations.

The story of PeaceTrees Vietnam began on January 6, 1969, when US Army Helicopter Pilot Lt. Daniel Cheney sacrificed his life in the Vietnam War to save the life of a fellow pilot. From this profound loss, his mother Rae Cheney, sister Jerilyn Brusseau and her late husband Danaan Parry vowed to find a way for families like their own to reach out to the Vietnamese people, to honor losses on all sides of the war, and begin building bridges of friendship and understanding. On November 12, 1995, a group of inspired Washington state citizens joined the three founders and pledged their support to launch an organized effort to clear the land of bombs and landmines and plant trees where landmines used to be. That day, PeaceTrees Vietnam was born.

Since 1995, PeaceTrees Vietnam's steadfast humanitarian service has removed more than 89,000 landmines and dangerous weapons from over 846 acres of land, starting in the former "DMZ" on the site of the former US Marine Combat Base at Dong Ha. As the first international nongovernmental organization to be permitted to conduct humanitarian demining work in Vietnam, PeaceTrees has ushered in a new era by bringing together American and Vietnamese people, including veterans from both sides, to work, play, and plant trees as a means of promoting peace, friendship, and renewal through mutual understanding and respect.

For two decades, PeaceTrees' expansive service in Vietnam has gone beyond landmine removal to include building sustainable communities by enhancing education and economic opportunities. Hand-in-hand with the Vietnamese people, PeaceTrees has invested in a safe and healthy future in the poorest and most war-torn regions of Vietnam through the construction of homes, libraries, and schools.

Mr. Speaker, PeaceTrees Vietnam's work has restored land, assisted communities, and created opportunity in partnership with the people of Quang Tri Province of Vietnam. Making the land safe, returning the environment to its natural beauty, and creating new educational and economic opportunities collectively heals the enduring wounds of war that linger for both the Vietnamese and American people.

I am proud to recognize the 20th Anniversary of PeaceTrees Vietnam and thank the family of Lt. Daniel Cheney, the founders, and all those in the United States and Vietnam who have worked to restore the land, build community and heal the wounds of war.

OUR ONE GOD OF FAITH

HON. E. SCOTT RIGELL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. RIGELL. Mr. Speaker, I rise today to submit a statement on behalf of my constituent, Rabbi Dr. Israel Zoberman. Rabbi Zoberman is the Founding Rabbi of Congregation Beth Chaverim in Virginia Beach, Virginia. Rabbi Zoberman asked me to submit the following remarks:

We are grateful for our one God's blessings, who bring us together to be one family, gratefully united and gloriously diverse through the divine commandments of loving kindness.

We have gathered during our sixth annual Veterans Day service at the enchanting sites of the Reba and Sam Sandler Campus and the Simon Family JCC of our beloved Tidewater Jewish Community, home to the stately Jewish War Veterans Monument and captivating Holocaust sculpture linked to the embracing Gifford Holocaust Memorial Garden. Let us pause for both heartfelt gratitude and sacred reflection in the enviable spirit of our unique Tidewater togetherness.

In this awesome region of perhaps the world's most concentrated military might, we owe much to the descendants of the Maccabees, our heroic sisters and brothers in uniform from past, present and future, for safeguarding our great American nation as well as its undying dream. We continuously advocate for and advance the cause of our leading democracy so that it may ever be a guiding and gracious beacon of light and consecrated resolve to all near and far.

We are painfully mindful of terrorism's darkness unleashed by Iran and its Lebanese and Palestinian proxies, along with Syria's Basher al-Assad and the Islamic State with its affiliates, threatening the very essence of human civilization to which the Jewish people have immeasurably and devotedly contributed. The past Thanksgiving celebration, modeled after the Biblical festival Sukkot, is a poignant reminder of the vital link and unshakeable bond between America's very foundation and the Jewish heritage.

The courageous Pilgrims joyfully regarded themselves as walking in the shoes of the Israelites who fled from Egypt's House of Bondage, and were inspired by the ideals and values of the Hebrew scriptures with which they fell in love. In fact, they wanted Hebrew to be the official language of the New World but there were not enough Hebrew scholars around. Imagine there would have been no need for a separate Hebrew school for our children. The past Thanksgiving eve, my congregation Beth Chaverim and Eastern Shore Chapel Episcopal Church held our 16th annual Joint Interfaith Thanksgiving Service. What an endearing display of the American tradition of sharing across lines of faith.

On November 9, 2015, we commemorated the 77th anniversary of Kristallnacht (The Night of the Broken Glass), the beginning of the end of European Jewry. We shall always cherish our own Arnold Lind, of blessed memory, who at age ten raced into his burning Synagogue in Muhlheim in Germany to

retrieve his beautiful Wimple, witness to the Shoah, a memorial to the great German Jewry. He was fortunate to arrive with his family to these shores of freedom and proudly served in the U.S. Marine Corps.

I humbly stand before you as a member of the family of the surviving remnant miraculously plucked from the burning fires. At the mature old age of three and a half, I was already a veteran of Germany's Wetzlar Displaced persons camp in the American zone of occupation, but I am also a veteran of the Israel Defense Forces of a reborn nation. My father Yechiel, of blessed memory, served in the Russian Army's 118th Infantry Division decimated at Stara Rusa by the German onslaught which he survived.

Let the United States and its partners do their best on behalf of the present day multitude of refugees from war-torn countries, particularly Syria, who seek the shelter of a welcoming home. May Shalom's divine blessings of peace enable us to turn violence into vision, pain into promise, fear into faith, and darkness into light. Amen.

100TH ANNIVERSARY OF THE MANATEE COUNTY FAIR

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. BUCHANAN. Mr. Speaker, I rise in recognition of the Manatee County Fair's 100th anniversary.

On October 21st, 1915 a group that eventually became the Manatee Chamber of Commerce approved a project that would draw members of the community together for festive celebrations and friendly competition. The Manatee County Fair was born, and opened its tents to the neighborhood for the first time on February 28th, 1916.

The 1916 Manatee County Fair started with a budget of just $500. Year after year, the fair grew creating an economic boost for the community while providing fun and enjoyment for locals and visitors alike.

Eventually, the fair became so appreciated that the denizens of Bradentown (currently Bradenton, Florida) purchased over 60 acres of land so the fair could continue to thrive for generations to come. As time went on, the Manatee County Fair gave Floridians an opportunity to unite and celebrate in good times and bad.

The Manatee County Fair has fostered community pride for 100 years. Throughout the past century, the fair strengthened relationships between local business owners, shop keepers, vendors, artisans, and civic leaders. Community Members have shared in the pride of hosting such a well-loved event.

It is my honor to recognize the Manatee County Fair's 100th anniversary. This great event has strengthened our community and been a source of civic pride for the past century.

HONORING DR. JAN SONANDER, M.D.

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Dr. Jan Sonander for his leadership, commitment, and determination over a decade to update the Geographic Practice Cost Index (GPCI) system in California and abolish the flawed Sustainable Growth Rate (SGR).

Medicare's GPCI system pays physicians based on the cost of providing care in their geographic region. However, since 1997, the Medicare geographic payment localities have not been updated, leading many Sonoma County physicians to be underpaid. This problem was exacerbated by concurrent flaws in Medicare's SGR.

Since 2000, Dr. Sonander has been a tireless advocate for GPCI and SGR reforms. His proposed changes would have updated payment localities for physicians, and improved access to high-quality care for all Sonoma County residents. Dr. Sonander led a nationwide letter campaign, encouraging Congress to consider funding the proposed changes while writing articles to keep peers informed of his efforts. Those efforts ultimately paid off, as the geographic payment system has been updated and the SGR has been eliminated. Dr. Sonander was essential to that progress.

Leading by example, Dr. Sonander focuses a significant portion of his practice caring for the disabled, working as a hospitalist at Santa Rosa Memorial Hospital while also serving as Chief of Staff. He has been active in the Sonoma County Medical Association (SCMA) and the California Medical Association for 26 years. He has served on several committees, including a stint as President of the SCMA Board of Directors in 2003. As a civic role model, philanthropist, medical professional, and political activist, Dr. Sonander's work has placed health care for all Sonoma County residents in safe hands.

Mr. Speaker, it is appropriate at this time that we acknowledge Dr. Jan Sonander for his extraordinary work.

PERSONAL EXPLANATION

HON. TOM GRAVES

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. GRAVES of Georgia. Mr. Speaker, on roll call No. 650, had I been present, I would have voted Yea.

PRESERVE THE EITC FOR LEGAL AMERICAN WORKERS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. MARCHANT. Mr. Speaker, the Earned Income Tax Credit is one of our most successful welfare-to-work tax provisions. The EITC has helped millions of Americans move themselves out of poverty. But, the president wants to use it as a cash bonus for those who have been working in the U.S. illegally.

Under the president's unilateral amnesty, millions of illegal immigrants will get access to the EITC. They will then be able to claim tax refunds on previous earnings from unauthorized work. The refunds could be as much as $24,000 for each claimant, which may restrict the EITC's availability for legal American workers.

To ensure this does not happen, I have introduced H.R. 1657—the FAIRR Act. The bill prevents the EITC from going to recipients of the president's unilateral amnesty. This would strengthen the EITC for American families and save taxpayers almost $9 billion over the next 10 years.

Our immigration system should not reward lawbreakers at the expense of taxpayers and legal American workers. Neither should the EITC.

IN RECOGNITION OF THE DEARBORN OPTIMIST CLUB'S 75TH ANNIVERSARY

HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mrs. DINGELL. Mr. Speaker, I rise today to recognize the Dearborn Optimist Club on their 75th Anniversary. As a Member of Congress, it is an honor and a privilege to recognize the great work they have done for the City of Dearborn.

Founded on December 12, 1940, Optimist International chartered the Dearborn Optimist Club to serve the greater Dearborn Community. Since its founding, the Dearborn Optimists have devoted countless hours volunteering in the community by helping to expand access to quality education through its youth programs and scholarships. They have created collaborations between both the public and private schools and with numerous Dearborn public agencies, including the fire and police departments. Each year, the Dearborn Optimist holds art and essay contests to promote the creativity of our students, where the winners receive scholarship money for their college plans. They host the annual Dearborn Public Safety Awards to honor our fire and police departments and recognize extraordinary individual accomplishments.

At the heart of their mission, the Dearborn Optimists have devoted themselves to community service and providing opportunities to enrich the lives of our youth of Dearborn. Their work for the City of Dearborn is truly appreciated and I know that we will see more of the same over the next 75 years of the group and beyond.

Mr. Speaker, I ask my colleagues to join me in honoring the Dearborn Optimist Club on their 75th Anniversary and to wish them many more years of success.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed Roll Call vote numbers 646, 647, 648, 649, 650, 651 and 652. Had I been present, I would have voted no on Roll Call vote number 646, 647, 650, 651 and 652 and aye on 648 and 649.

HONORING THE STE. GENEVIEVE COUNTY MEMORIAL HOSPITAL AUXILIARY

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor the Ste. Genevieve County Memorial Hospital Auxiliary and its volunteers before the United States House of Representatives. This group was awarded the Auxiliary of the Year Award by the Missouri Hospital Association at the MHA Annual Conference this year.

These selfless individuals have accumulated over 15,000 volunteer hours this year, with over 11,000 hours in hospitals and over 3,500 hours volunteering in the community. This auxiliary of more than 90 volunteers has also donated more than $58,000 to the hospital, resulting in seven new hospital beds for their patients. The auxiliary provides services to the community through community health education projects and scholarships to students pursuing health careers.

It is my pleasure to recognize these generous individuals before the United States House of Representatives.

KNOXVILLE NEWS SENTINEL ARTICLE BY FRANK CAGLE—RUMORS OF THE GOP'S DEATH EXAGGERATED

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. DUNCAN of Tennessee. Mr. Speaker, almost every week, Frank Cagle writes a thoughtful, intelligent, even courageous column for the Knoxville News Sentinel.

In his column of December 2nd, he wrote: ''Some of us don't think it's a bad thing that people who are here illegally and are not citizens cannot vote.''

I admire Frank Cagle for his willingness to speak out on matters of national importance, and I would like to call to the attention of my Colleagues and other readers this and other columns he has written for the Knoxville News Sentinel.

RUMORS OF THE GOP'S DEATH EXAGGERATED

Last week Hillary Clinton announced she would no longer use the term ''illegal immigrants.'' I can understand a Clinton's aversion to the word illegal, but it will be hard for a president to get control of the border if she doesn't recognize that unauthorized entry into the country is against the law. During the Democratic debate she refused to say the words ''Islamic terrorism.'' It's hard to see how a commander in chief can win a war against our enemies when she's too timid to call them what they are.

I spent Thanksgiving with a houseful of young adults. They are all voting for Bernie Sanders in the primary. What do they do in the general when Clinton is the Democratic nominee? I suspect they will stay home. If the Democrats think they will turn out the young people who voted for President Barack Obama to vote for Hillary, they are delusional.

I keep reading about how the Republicans are doomed. Republicans can't govern. Demographics will make the Republicans a minority party in the future.

Did you notice the recent election in Kentucky? Obama has done to the Kentucky Democratic Party what he has done to the Tennessee Democratic Party—damaged it almost beyond repair. A tea party guy, behind in all the polls, defeated a popular Democrat by 10 points. And Democrats down ballot got hammered. Tennessee Republicans have a supermajority in the Legislature, the governor, two U.S. Senators and seven of nine Congressmen.

Tennessee and Kentucky are not alone. Since Obama has been president, the Democrats have lost over 900 seats in state legislatures, 11 governorships, 13 Senate seats and 69 House seats. Tell me again about the demise of the Republican Party.

Democrats believe that if the Republicans nominate Donald Trump, then Clinton is the next president. Why? Who is closer to the majority opinion of the American people? Trump's bellicosity on immigrants, his anti-Muslim rants and calling for bombing the (you know what) out of ISIS? Or Clinton, who can't bring herself to even identify the perpetrators?

The dire predictions about the Republicans becoming a minority party because of the growing Hispanic vote? If you don't grant amnesty and make all illegal immigrants citizens, they can't vote. Some of us don't think it's a bad thing that people who are here illegally and are not citizens cannot vote.

Go down to the courthouse sometime and watch legal immigrants being sworn in as citizens. Talk to them about the hoops they jumped through in order to become a citizen. Then ask them how they feel about people who want to jump the line.

Americans are tired of political correctness. In the words of the crazy anchor from the movie ''Network,'' they are mad as hell and they aren't going to take it anymore. It's the kind of attitude that fuels the Trump phenomenon. With the fading of Jeb Bush, the establishment seems to be turning to Marco Rubio to stop Trump. The author of an amnesty bill.

Good luck with that.

HONORING DR. BRAD DREXLER, M.D.

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Dr. Brad Drexler for his leadership, commitment and determination over a decade to update the Geographic Practice Cost Index (GPCI) system in California and abolish the flawed Sustainable Growth Rate (SGR).

Medicare's GPCI system pays physicians based on the cost of providing care in their geographic region. However, since 1997, the Medicare geographic payment localities have not been updated, leading many Sonoma County physicians to be underpaid. This problem was exacerbated by concurrent flaws in the SGR.

Since 2000, Dr. Drexler has been a tireless advocate for GPCI and SGR reforms. His proposed changes would update payment localities for physicians, and improve access to high-quality care for all Sonoma County residents. Dr. Drexler led a nationwide letter campaign, encouraging Congress to consider funding the proposed changes while writing articles to keep peers informed of his efforts. Those efforts ultimately paid off, as the geographic payment system has been updated and the SGR has been eliminated. Dr. Drexler was essential to that progress.

Leading by example, Dr. Drexler has been active in the Sonoma County Medical Association (SCMA) and the California Medical Association (CMA) for 29 years. He has served as chair of the government relations committee, as a member of the board of directors at the SCMA, and as a delegate to the CMA. As a civic role model, philanthropist, political activist, and medical professional, Dr. Drexler's work has placed health care for all Sonoma County residents in safe hands.

Mr. Speaker, it is appropriate at this time that we acknowledge Dr. Brad Drexler for his extraordinary work.

PERSONAL EXPLANATION

HON. MARK TAKAI

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. TAKAI. Mr. Speaker, on Tuesday, December 1, I was absent from the House due to illness. Due to my absence, I am not recorded on any legislative measures for the day. I would like to reflect how I would have voted had I been present for legislative business.

Had I been present, I would have voted ''no'' on Roll Call 646, the previous question providing for consideration of the North American Energy Security and Infrastructure Act of 2015.

I would have voted ''no'' on Roll Call 647, the rule providing for consideration of the North American Energy Security and Infrastructure Act of 2015.

I would have voted ''yea'' on Roll Call 648, the Breast Cancer Research Stamp Reauthorization Act.

I would have voted ''yea'' on Roll Call 649, the Intelligence Authorization Act for Fiscal Year 2016.

I would have voted ''no'' on Roll Call 650, final passage of Senate Joint Resolution 24.

I would have voted ''no'' on Roll Call 650, final passage of Senate Joint Resolution 23.

I would have voted ''yea'' on Roll Call 651, the motion to go to conference on the Trade Facilitation and Trade Enforcement Act of 2015.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $18,827,322,966,908.80. We've added $8,200,445,917,995.72 to our debt in 6 years. This is over $8 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

TRIBUTE TO THE PASSING OF NATIONALLY RECOGNIZED ACTIVIST RON SCOTT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. CONYERS. Mr. Speaker, I rise today to honor one of the nation's most dedicated civil rights activists, Ron Scott, who sadly passed away Sunday, November 29, 2015.

During his many invaluable years of public service, Ron Scott was the consummate advocate for social and economic justice, inspiring others through his tremendous work ethic and undying spirit for activism. In particular, he has been in the vanguard of the movement to hold law enforcement accountable for acts of police misconduct.

For twenty years, he was a leading and outspoken critic of the use of force by Detroit police officers. An original founder of the Detroit chapter of the Black Panthers, he created the Detroit Coalition Against Police Brutality in 1996. In 2003, as a leader of the Coalition, he advocated for the city of Detroit to enter into a consent decree with the Department of Justice to reform the Detroit Police Department following years of police misconduct. In 2014, when Detroit's Board of Police Commissioners, the civilian led police oversight board, lost its powers due the city's pending bankruptcy, he used his credibility as a longtime voice against police misconduct to argue for the commission's restoration. In September, the Detroit City Council voted to restore the commission's powers, which will return in December.

Ron Scott fought for civil and human rights and dreamed of a time when people would be judged and treated with dignity and respect. His counsel to me was truly invaluable and he has been such a frequent panelist at Congressional Black Caucus Annual Legislative Conferences that it is difficult to imagine these efforts without his presence.

Those personally close to him will miss him deeply, but I believe that his legacy of determined, reasoned and consistent advocacy on behalf of those who are voiceless will continue to be remembered and inspire our work to bring justice and peace to the world.

RECOGNIZING THOMAS BRADBURY

HON. KEN BUCK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. BUCK. Mr. Speaker, I rise today to recognize Mr. Thomas Bradbury on being selected for induction into the Farm Credit Colorado Agriculture Hall of Fame. This honor is reserved for those who have made a significant contribution to the agricultural industry of Colorado and the United States.

Currently, Mr. Bradbury resides in Byers where he has been a leader in the Colorado livestock industry. He is currently a member of the National Western Stock Show Association, an organization that created a scholarship trust which helps over 80 students attend college annually for agriculture and rural medicine. In addition, he has served as President of the Rocky Mountain Quarter Horse Association and the American Hereford Association

Mr. Bradbury also understands the importance of giving back to his community. He is a founder of his local rural telephone cooperative and shares his expertise about livestock with resident 4–H members. Mr. Bradbury has shown true leadership in his industry and community.

On behalf of the 4th Congressional District of Colorado, I extend my best wishes as Mr. Bradbury pursues his future endeavors. His passion and dedication to the agricultural industry makes him more than worthy of this distinct recognition. Mr. Speaker, it is an honor to recognize Mr. Thomas Bradbury for his accomplishments.

HONORING NANCY BAKER

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Ms. HERRERA BEUTLER. Mr. Speaker, I rise today to honor the career of an upstanding community leader, and longtime resident of Southwest Washington, Nancy Baker.

Commissioner Baker's dedication to the community can be seen through her long service to the Port. Nancy was first elected as a Port Commissioner for the Port of Vancouver, USA, in 2003—making her the first female commissioner in the Port of Vancouver's 103 year history. This followed a 14 year stint as a Port employee. As a commissioner, she faced tough decisions that she has handled with grace and thoughtful deliberation. She has overseen numerous projects, including most recently the ''trench'' and Waterfront Projects which have greatly improved the functionality of the Port and will continue making the Port of Vancouver an integral part of our community.

Having spent over a quarter century at the Port, Nancy has been a central part of its tremendous growth. Ask anyone in our community—Nancy's name has become synonymous with the Port, and her contributions will be greatly missed. She has received numerous awards throughout her service including the Clark County Women of Achievement from Clark College and the YWCA, the Community Service Award from the Southwest Washington Labor Roundtable and the Central Labor Council, and she was named one of the 100 Most Powerful Women of Clark County by the Columbian newspaper.

Please join me in honoring the selfless and passionate dedication of Nancy Baker and her long career.

IN RECOGNITION OF MAJOR RAYMOND (GLENN) CLANIN & MAJOR RUSSELL (LYNN) CLANIN

HON. TED LIEU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. TED LIEU of California. Mr. Speaker, I rise today to honor both Major Raymond (Glenn) Clanin, USAF (Ret) and Major Russell (Lynn) Clanin USAF (Ret), twin brothers who were born on April 25, 1923 and raised in Bismarck, Missouri. Major Glenn and Major Lynn were raised in a large family of nine children—six boys and three girls.

I would like to commend both Major Glenn and Major Lynn for their tireless service to our nation while serving in the United States Army. Both Major Glenn and Major Lynn were drafted in May of 1943 at Jefferson Barracks, Missouri and were shortly accepted into the Aviation Cadet Program.

After initial cadet training at Michigan State College, they both received more advanced military training at various bases in Texas. After B–26 training, they deployed to Europe on the ''Ille de France'' in January 1945 and were assigned to the 449th Bomb Squadron of the 322nd Bomb group stationed at Beauvais, France. Major Glenn completed 26 missions and Major Lynn completed 21 missions flying out of France and Belgium and deployed back to the United States in July of 1946.

Major Glenn and Major Lynn were discharged from the Army Air Corps in September 1946 at Fort Sheridan, Illinois. They were both decorated with significant medals which include the Air Medal with three Oak Leaf Clusters, The European-African-Middle Eastern Campaign Medal with two battle stars and the World War II Victory Medal.

After their outstanding active military service to this country, Major Glenn and Major Lynn moved to California, and in 1948, they married sisters Carolyn and Elyn Sievers in a joint ceremony. They remained in the United States Air Force reserves, both retiring as Majors in 1983.

In civilian life Major Glenn and Major Lynn worked in their own dry cleaning business until the Korean War and lived next to each other for 10 years in Manhattan Beach. Glenn transitioned into aircraft manufacturing and later the savings and loan industry, from which he retired in 1985. Major Lynn transitioned into aircraft manufacturing and in 1960 moved to Northern California where he worked in real estate, then at a refinery, and eventually retiring from a water district as a service representative in 1978.

Major Glenn and his wife Carolyn currently reside in Manhattan Beach and their family includes two daughters, Diana and Wendie, two grandchildren and five great grandchildren. Major Lynn and his late wife Elyn family include sons Russell and Steven, two grandchildren and seven great grandchildren. Major Lynn has resided in Concord, California since 1960.

I am proud to honor Major Raymond (Glenn) Clanin of Manhattan Beach & Russell (Lynn) Clanin of Concord to thank them for their dedication and service to the United States of America.

IN MEMORY OF AUSTIN KIPLINGER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. WILSON of South Carolina. Mr. Speaker, on November 20, Austin Kiplinger, an extraordinary visionary as longtime editor of the legendary The Kiplinger Letter, died at age 97. For decades he came to the office every day

up to the end to provide thoughtful forecasts for executives and investors. I knew firsthand of his influence as my late father was a loyal subscriber who knew Mr. Kiplinger's judgement was fully trustworthy. The following obituary was published November 21, 2015, in the Wall Street Journal:

WASHINGTON.—Austin Kiplinger, the longtime chairman and editor in chief of a financial publishing company that bore his name, has died, his son said. He was 97.

Mr. Kiplinger died Friday at a hospice in Rockville, Md., where he was treated briefly after receiving hospice care at home, said his son, Knight Kiplinger. The cause of death was brain cancer, most likely a melanoma that had spread to his brain, his son said.

A prominent figure in Washington journalism and civic life, Mr. Kiplinger led the publishing company founded by his father for nearly 35 years. Before taking over Kiplinger Washington Editors Inc., he worked as a newspaper, radio and television reporter. The company publishes newsletters and magazines on personal finance and business.

The company was founded in 1920 by his father, W.M. Kiplinger. Austin Kiplinger took it over upon his father's death in 1967. Even after circumstances forced him to become a businessman, he remained a journalist at heart, his son said.

''He wrote, he edited, he conducted the weekly lead meetings for the Kiplinger Letter,'' Knight Kiplinger, who took over for his father in the 1990s, said Saturday. ''That's our tradition going back to our founding.''

Mr. Kiplinger's professional journalism career began at age 18 while a student at Cornell University in Ithaca, N.Y. He worked as the campus stringer for the Ithaca Journal, and some of his articles were picked up by The Associated Press.

He served in the Navy during World War II, piloting torpedo bombers off aircraft carriers in the South Pacific.

In 1947, he and his father founded what is now called Kiplinger's Personal Finance, the first publication dedicated to personal-finance advice for American families. In the 1950s, he worked for several television stations in Chicago and for ABC News there. But he turned down an offer to join NBC News in New York to return to the family business.

Mr. Kiplinger was a trustee and board chairman of the National Symphony Orchestra, and he presided over a family foundation that has made millions of dollars in grants to nonprofits education, performing arts, history and journalism training. He lived for decades on a family farm in Seneca, Md.

''He was best known for his exuberance, his positive attitude, his interest in people from every walk of life,'' his son said. ''He talked as easily with a carpenter or the janitor in the building as he did with presidents and senators.''

His wife of 63 years, Mary Louise Cobb Kiplinger, died in 2007, and his older son, Todd, died the following year.

RECOGNIZING CURTIS MOORE

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. SMITH of Missouri. Mr. Speaker, I rise today to recognize Mr. Curtis Moore of Missouri for the patriotism shown by him over the course of his military career as well as his many wonderful accomplishments completed during his civilian years. Throughout his long and illustrious life, Mr. Moore received many impressive awards, including a Purple Heart while serving in the Navy during World War II. He was also the first recipient of the Lifetime Achievement Award presented by the Waterways Journal in 2014 for his work with inland waterway usage.

Mr. Moore began working for Missouri Dry Dock & Repair Co. Inc. in Cape Girardeau, Missouri in the early 1950's as a welder and fitter before soon being promoted to vice president and general manager. He distinguished himself within the industry with his innovations for propellers that are used by inland towboats and barges and their repair process. He continued assisting and advising Missouri Dry Dock about propeller and other boat operation issues into the early 1990's until he fully retired in 2009.

Mr. Curtis Moore modeled what it means to be a hard-working and patriotic citizen of our country and it is my pleasure to recognize him before the United States House of Representatives.

PERSONAL EXPLANATION

HON. MARLIN A. STUTZMAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. STUTZMAN. Mr. Speaker, on roll call no. 650, 651, 652, on December 1, 2015 I was unable to cast a vote on S.J. Res. 24 due to being unavoidably detained.

Had I been present, I would have voted Yes.

HONORING DR. LEN KLAY, M.D.

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Dr. Len Klay for his leadership, commitment, and determination over a decade to update the Geographic Practice Cost Index (GPCI) system in California and abolish the flawed Sustainable Growth Rate (SGR).

Medicare's GPCI system pays physicians based on the cost of providing care in their geographic region. However, since 1997, the Medicare geographic payment localities have not been updated, leading many Sonoma County physicians to be underpaid. This problem was exacerbated by concurrent flaws in the Medicare Sustainable Growth Rate (SGR).

Since 2000, Dr. Klay has been a tireless advocate for GPCI and SGR reforms. His proposed changes would have updated payment localities for physicians, and improved access to high-quality care for all Sonoma County residents. Dr. Klay led a nationwide letter campaign, encouraging Congress to consider funding the proposed changes while writing articles to keep peers informed of his efforts. Those efforts ultimately paid off, as the geographic payment system has been updated and the SGR has been eliminated. Dr. Klay was essential to that progress.

Leading by example, Dr. Klay continues to assist in surgery and volunteers his services for many local medical organizations. He has worked in the Santa Rosa, California area since 1971, and has been a member of the Sonoma County Medical Association (SCMA) and the California Medical Association (CMA) for 44 years. He has twice served as President of the SCMA and CMA, elected in 1987 and again in 2007, and previously served at the U.S. Army hospital in Frankfurt, Germany. As a civic role model, philanthropist, political activist, and medical professional, Dr. Klay's work has placed health care for all Sonoma County residents in safe hands.

Mr. Speaker, it is appropriate at this time that we acknowledge Dr. Len Klay for his extraordinary work.

TRIBUTE TO FORMER CONGRESSWOMAN SHIRLEY CHISHOLM

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to recognize and celebrate the legacy of former Congresswoman Shirley Chisholm. On November 24, Congresswoman Chisholm was posthumously awarded the 2015 Presidential Medal of Freedom.

In 1968, Chisholm historically won a seat in the House of Representatives in New York's 12th Congressional District, becoming the first African American woman elected to Congress. In 1969, Chisholm was one of the founding members of a group that would become the Congressional Black Caucus. Chisholm served seven terms in Congress with a historical run for the U.S. Presidency in 1972. Chisholm was the first majority-party African American female candidate to run for President.

During her time in Congress, Chisholm worked to improve conditions for inner-city residents. She vocally fought for educational opportunities, better healthcare, increased social services, and reductions in military spending. Chisholm was an outspoken opponent of the Vietnam War, opposing the draft and the expansion of weapon developments. Chisholm fought to ensure that women and people of color had the opportunity to contribute to policy and the legislative process.

After leaving Congress in 1983, she returned to her career as an educator. Chisholm taught undergraduate courses in politics and sociology at Mount Holyoke College from 1983 to 1987, starkly different from her career prior to serving in Congress in early childhood and elementary education. Nonetheless, Chisholm provided valuable contributions to not only Mount Holyoke, but also the 150 campuses where she gave speeches, telling students to avoid polarization and intolerance.

Chisholm passed away in 2005 after suffering several strokes. However, her legacy will always remain with us. As one of the founding members of the Congressional Black Caucus, as the first African American women elected to Congress, Chisholm has provided us with many firsts and has paved the way for more opportunity. I urge my colleagues to honor former Congresswoman Shirley Chisholm and recognize her for winning the 2015 Presidential Medal of Freedom.

RECOGNIZING CHARLES LEWIS SCOTT (CHUCK)

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. STIVERS. Mr. Speaker, I rise today to recognize Charles Lewis Scott (Chuck), who passed away on November 20, 2015 at the age of 91. Scott was a photographer and co-founder of the widely respected Ohio University School of Visual Communication in Athens, Ohio.

Scott was born in Grayville, Illinois in 1924. He became a Photographer's Mate First Class in the U.S. Navy after training in Pensacola, Florida. Scott went on to receive the Distinguished Flying Cross and three war medals for serving during World War II in the Pacific.

After returning home from the war, Scott earned his degree from the University of Illinois and worked as a photojournalist for the Champaign-Urbana Courier and the student newspaper. Scott worked as a photographer at various newspapers early in his career, and was later named the graphic director for the Chicago Daily News. He earned his master's degree in 1970 and became the picture editor for the Chicago Tribune in 1974. Throughout his career, Scott earned over 100 awards in state, regional, national, and international competitions, including the Photographer of the Year award in 1952 and the Newspaper Editor of the Year award in 1966 from the National Press Photographers Association.

He was first approached by Ohio University in 1969 to expand the visual education program in the School of Journalism. Following two years at the Chicago Tribune, Scott returned to Ohio University in 1976 in the College of Communication. Two years later, Scott co-founded the Institute of Visual Communication with his son-in-law Terry Eiler. By 1986, the Institute became the School of Visual Communication and was eventually moved into the College of Communication. Alumni of this program have gone on to work at The New York Times, National Geographic, The Washington Post, Los Angeles Times, and many other prestigious publications.

There is no doubt of the enormous contribution Chuck Scott has made to the photojournalism industry and the tremendous impact he had on Ohio University and especially, his students.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 3, 2015 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 8

9:30 a.m.

Committee on Armed Services

To hold hearings to examine improving the Pentagon's development of policy, strategy, and plans.

SD–G50

10 a.m.

Committee on Energy and Natural Resources

To hold hearings to examine S. 2257, to prepare the National Park Service for its Centennial in 2016 and for a second century of protecting our national parks' natural, historic, and cultural resources for present and future generations.

SD–366

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine opioid abuse in America, focusing on facing the epidemic and examining solutions.

SD–430

Committee on the Judiciary

Subcommittee on Antitrust, Competition Policy and Consumer Rights

To hold hearings to examine the AB InBev/SABMiller merger and the state of competition in the beer industry.

SD–226

10:30 a.m.

Committee on Foreign Relations

To hold hearings to examine the Millennium Challenge Corporation, focusing on lessons learned after a decade and outlook for the future.

SD–419

3 p.m.

Committee on Commerce, Science, and Transportation

Subcommittee on Space, Science, and Competitiveness

To hold hearings to examine promoting open inquiry in the debate over the magnitude of human impact on earth's climate.

SR–253

DECEMBER 9

9:30 a.m.

Committee on Homeland Security and Governmental Affairs

Business meeting to consider S. 2171, to reauthorize the Scholarships for Opportunity and Results Act, S. 2127, to provide appropriate protections to probationary Federal employees, to provide the Special Counsel with adequate access to information, to provide greater awareness of Federal whistleblower protections, S. 1915, to direct the Secretary of Homeland Security to make anthrax vaccines and antimicrobials available to emergency response providers, S. 1492, to direct the Administrator of General Services, on behalf of the Archivist of the United States, to convey certain Federal property located in the State of Alaska to the Municipality of Anchorage, Alaska, H.R. 1557, to amend the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 to strengthen Federal antidiscrimination laws enforced by the Equal Employment Opportunity Commission and expand accountability within the Federal government, an original bill entitled, ''Federal Asset Sale and Transfer Act'', an original bill entitled, ''Federal Real Property Management Reform Act of 2015'', and an original bill entitled, ''Administrative Leave Act of 2015''.

SD–342

10 a.m.

Committee on Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Committee on the Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation.

SD–226

10:30 a.m.

Committee on the Budget

To hold hearings to examine moving to a stronger economy with a regulatory budget.

SD–608

2 p.m.

Committee on Armed Services

To hold hearings to examine the nominations of Marcel John Lettre, II, of Maryland, to be Under Secretary of Defense for Intelligence, Gabriel Camarillo, of Texas, to be an Assistant Secretary of the Air Force, John E. Sparks, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law, and the following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Vice Adm. Kurt W. Tidd, to be Admiral, all of the Department of Defense.

SD–106

Committee on the Judiciary

To hold hearings to examine the nominations of Susan Paradise Baxter, Robert John Colville, and Marilyn Jean Horan, each to be a United States District Judge for the Western District of Pennsylvania, Mary S. McElroy, to be United States District Judge for the District of Rhode Island, and John Milton Younge, to be United States District Judge for the Eastern District of Pennsylvania.

SD–226

2:30 p.m.

Special Committee on Aging

To hold hearings to examine sudden price spikes in off-patent drugs, focusing on perspectives from the front lines.

SD–G50

DECEMBER 10

10 a.m.

Committee on Energy and Natural Resources

To hold an oversight hearing to examine terrorism and global oil markets.

SD–366

Committee on Homeland Security and Governmental Affairs

Subcommittee on Regulatory Affairs and Federal Management

To hold hearings to examine the importance of following through on GAO and OIG recommendations.

SD–342

Committee on the Judiciary

Business meeting to consider S. 247, to amend section 349 of the Immigration and Nationality Act to deem specified activities in support of terrorism as renunciation of United States nationality, S. 1318, to amend title 18, United

States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and the nominations of Dana J. Boente, to be United States Attorney for the Eastern District of Virginia for the term of four years, and John P. Fishwick, Jr., to be United States Attorney for the Western District of Virginia for the term of four years.

SD–226

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8247–S8321

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 2340–2346, and S. Res. 324–325. **Pages S8305–06**

Measures Reported:

S. 2139, to amend the Small Business Act to prohibit the use of reverse auctions for the procurement of covered contracts, with amendments. **Page S8305**

Measures Passed:

National Phenylketonuria Awareness Day: Senate agreed to S. Res. 324, designating December 3, 2015, as "National Phenylketonuria Awareness Day". **Page S8319**

Permitting Charitable Collections in Senate Buildings: Senate agreed to S. Res. 325, permitting the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings. **Page S8319**

Measures Considered:

Restoring Americans' Healthcare Freedom Reconciliation Act—Agreement: Senate continued consideration of H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016, taking action on the following amendments proposed thereto: **Pages S8250–98**

Pending:

McConnell Amendment No. 2874, in the nature of a substitute. **Page S8250**

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. **Pages S8253–54, S8261–64**

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. **Pages S8254–61, S8264–83**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Thursday, December 3, 2015, with the time until 1:30 p.m. equally divided in the usual form; and that all debate time on the bill be deemed expired at 1:30 p.m. **Page S8319**

Messages from the House: **Page S8305**

Measures Placed on the Calendar: **Pages S8248, S8305**

Enrolled Bills Presented: **Page S8305**

Additional Cosponsors: **Pages S8306–07**

Statements on Introduced Bills/Resolutions: **Pages S8307–08**

Additional Statements: **Pages S8304–05**

Amendments Submitted: **Pages S8308–19**

Authorities for Committees to Meet: **Page S8319**

Privileges of the Floor: **Page S8319**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:46 p.m., until 9:30 a.m. on Thursday, December 3, 2015. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8321.)

Committee Meetings

(Committees not listed did not meet)

COMBATING GLOBAL HUNGER

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine agriculture's role in combating global hunger, after receiving testimony from Krysta Harden, Deputy Secretary of Agriculture; D. Wade Ellis, Bunge North America Milling, St. Louis, Missouri; Richard Leach, World Food Program USA, Washington, D.C., on behalf of the United Nations World Food Program; and Arlene Mitchell, Global Child Nutrition Foundation, Seattle, Washington.

DEFENSE PERSONNEL REFORM

Committee on Armed Services: Committee concluded a hearing to examine Department of Defense personnel reform and strengthening the all-volunteer force,

after receiving testimony from David S. C. Chu, Institute for Defense Analysis; Bernard Rostker, RAND Corporation; Robert F. Hale, Booz Allen Hamilton; and Admiral Gary Roughhead, USN (Ret.), Hoover Institution.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of G. Kathleen Hill, of Colorado, to be Ambassador to the Republic of Malta, Eric Seth Rubin, of New York, to be Ambassador to the Republic of Bulgaria, Kyle R. Scott, of Arizona, to be Ambassador to the Republic of Serbia, and David McKean, of Massachusetts, to be Ambassador to Luxembourg, who was introduced by Senator Markey, all of the Department of State, and Carlos J. Torres, of Virginia, to be Deputy Director of the Peace Corps, after the nominees testified and answered questions in their own behalf.

JOINT COMPREHENSIVE PLAN OF ACTION OVERSIGHT

Committee on Foreign Relations: Committee received a closed briefing on Joint Comprehensive Plan of Action oversight, focusing on the International Atomic Energy Agency's report on the possible military dimensions of the Iranian nuclear program from Stephen D. Mull, Lead Coordinator for Iran Nuclear Implementation, Department of State; and Kevin Veal, Director of Nuclear Safeguards and Security, Department of Energy.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported S. 1879, to improve processes in the Department of the Interior, with an amendment in the nature of a substitute.

TRIBAL LAW AND ORDER ACT

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the Tribal Law and Order Act (TLOA), focusing on whether the justice systems in Indian country have improved, after receiving testimony from Lawrence S. Roberts, Principal Deputy Assistant Secretary for Indian Affairs, Department of the Interior; Mirtha Beadle, Director, Office of Tribal Affairs and Policy, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; Tracy Toulou, Director, Office of Tribal Justice, Department of Justice; and Glen G. Gobin, the Tulalip Tribes, Tulalip, Washington.

TRADE SECRET THEFT

Committee on the Judiciary: Committee concluded a hearing to examine protecting trade secrets, focusing on the impact of trade secret theft on American competitiveness and potential solutions to remedy this harm, including S. 1890, to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, after receiving testimony from Karen Cochran, E. I. du Pont de Nemours and Company, Wilmington, Delaware; Thomas R. Beall, Corning Incorporated, Corning, New York; Sharon K. Sandeen, Hamline University School of Law, St. Paul, Minnesota; and James Pooley, Menlo Park, California.

IMMIGRATION

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Administration's alien removal policies, after receiving testimony from Sarah R. Saldana, Director, Immigration and Customs Enforcement, Department of Homeland Security; Jessica M. Vaughan, Center for Immigration Studies, and Marc R. Rosenblum, Migration Policy Institute, both of Washington, D.C.; and Jonathan F. Thompson, National Sheriffs' Association, Alexandria, Virginia.

CONSOLIDATING VETERANS CARE PROGRAMS

Committee on Veterans' Affairs: Committee concluded a hearing to examine consolidating non-Department of Veterans Affairs care programs, after receiving testimony from Sloan Gibson, Deputy Secretary of Veterans Affairs; and Roscoe G. Butler, The American Legion, Darin Selnick, Concerned Veterans for America, Bill Rausch, Iraq and Afghanistan Veterans of America, and Raymond C. Kelley, Veterans of Foreign Wars of the United States, all of Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 13 public bills, H.R. 4152–64; and 2 resolutions, H. Res. 545, 547 were introduced. **Pages H8970–71**

Additional Cosponsors: **Pages H8971–72**

Report Filed: A report was filed today as follows:

H. Res. 546, providing for consideration of the conference report to accompany the bill (H.R. 22) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes (H. Rept. 114–360). **Page H8970**

Speaker: Read a letter from the Speaker wherein he appointed Representative Palazzo to act as Speaker pro tempore for today. **Page H8863**

Recess: The House recessed at 10:54 a.m. and reconvened at 12 noon. **Page H8869**

Motion to Instruct Conferees: The House rejected the Kuster motion to instruct conferees on H.R. 644 by a yea-and-nay vote of 193 yeas to 232 nays, Roll No. 655. The motion was debated yesterday, December 1st. **Page H8884**

Subsequently, the Chair appointed the following conferees on H.R. 644: Representatives Brady (TX), Reichert, Tiberi, Levin, and Linda T. Sánchez (CA). **Page H8884**

Every Child Achieves Act of 2015: The House agreed to the conference report to accompany S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves, by a yea-and-nay vote of 359 yeas to 64 nays, Roll No. 665. **Pages H8884–94, H8951–52**

H. Res. 542, the rule providing for further consideration of the bill (H.R. 8) and the conference report to accompany the bill (S. 1177) was agreed to by a recorded vote of 240 ayes to 181 noes, Roll No. 654, after the previous question was ordered by a yea-and-nay vote of 243 yeas to 177 nays, Roll No. 653. **Pages H8882–84**

North American Energy Security and Infrastructure Act of 2015: The House resumed consideration of H.R. 8, to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability. Consideration is expected to continue tomorrow, December 3rd. **Pages H8875–84, H8894–H8965**

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–36 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. **Page H8875**

Agreed to:

Peters amendment (No. 3 printed in H. Rept. 114–359) that includes energy storage as a form of energy that DOE should consider to enhance emergency preparedness for energy supply disruptions during natural disasters; **Pages H8924–25**

Franks (AZ) amendment (No. 4 printed in H. Rept. 114–359) that secures the most critical components of America's electrical infrastructure against the threat posed by a potentially catastrophic electromagnetic pulse; **Pages H8925–26**

Poliquin amendment (No. 5 printed in H. Rept. 114–359) that clarifies that electric plants can be considered reliable without having to enter into supply contracts that are greater than one year; **Pages H8926–27**

Veasey amendment (No. 6 printed in H. Rept. 114–359) that requires the Department of Energy to submit a report to Congress on the potential effects commercial utilization of Carbon Capture and Sequestration could have on the economy, energy infrastructure and greenhouse gas emission goals; **Page H8927**

McKinley amendment (No. 7 printed in H. Rept. 114–359) that directs the Secretary of Energy and the Secretary of Commerce, in consultation with other relevant agencies and stakeholders, to conduct a study on the feasibility of establishing an ethane storage and distribution hub in the United States; **Pages H8927–28**

Ellmers (NC) amendment (No. 8 printed in H. Rept. 114–359) that makes a statement of policy on grid modernization; **Pages H8928–29**

Jackson Lee amendment (No. 9 printed in H. Rept. 114–359), as modified, that directs the Secretary of Energy to submit to the Congress a report on methods to increase electric grid resilience with respect to all threats, including cyber attacks, vandalism, terrorism, and severe weather, no later than 120 days after the date of enactment of the Act; **Pages H8929–30**

Kildee amendment (No. 10 printed in H. Rept. 114–359) that instructs the GAO to study ways to improve the National Response Center; **Pages H8930–31**

Garamendi amendment (No. 12 printed in H. Rept. 114–359) that includes energy transportation in the list of considerations for the Energy Security Valuation report in Sec. 3002; **Page H8931**

McKinley amendment (No. 13 printed in H. Rept. 114–359) that ensures that no permit for the construction, operation, or maintenance of an export facility can be denied until all reviews required under the National Environmental Policy Act of 1969 are complete; **Page H8932**

Takano amendment (No. 16 printed in H. Rept. 114–359) that requires a GAO Report to be submitted to Congress on the potential of battery energy storage; **Pages H8934–35**

Peters amendment (No. 18 printed in H. Rept. 114–359) that requires the Secretary of Energy to report on energy savings and greenhouse gas emissions reduction from conversion of captured methane to energy; **Page H8936**

Brooks (IN) amendment (No. 20 printed in H. Rept. 114–359) that calls on the Department of Energy to review and update the data used for a 9 year old federal study on re-refined oil, and requires the development of a strategy to increase its collections and sustainability; **Pages H8937–38**

Upton amendment (No. 21 printed in H. Rept. 114–359) that makes a technical fix to DOE's External Power Supply Rule; **Page H8938**

Upton amendment (No. 1 printed in H. Rept. 114–359) that strikes a number of provisions, some of which have already been enacted into law, and makes technical and conforming changes to the reported text of H.R. 8, H.R. 2295, and H.R. 2358 (by a recorded vote of 246 ayes to 177 noes, Roll No. 656); **Pages H8919–23, H8945–46**

Gene Green (TX) amendment (No. 14 printed in H. Rept. 114–359) that creates a permitting process through the Department of Energy, FERC, and Department of State for cross-border infrastructure projects (by a recorded vote of 263 ayes to 158 noes, Roll No. 658); **Pages H8932–34, H8947**

Barton amendment (No. 25 printed in H. Rept. 114–359) that repeals restrictions on the export of crude oil and includes provisions of H.R. 702 as passed by the House (by a recorded vote of 255 ayes to 168 noes, Roll No. 664); **Pages H8943–45, H8951**

Duffy amendment (No. 27 printed in H. Rept. 114–359) that requires the EPA to satisfy regulatory planning and review requirements established by the Clinton and Obama Administrations; **Pages H8953–54**

Gosar amendment (No. 28 printed in H. Rept. 114–359) that ensures timely review for legal challenges of energy projects on federal land and limits attorney fees in order to discourage frivolous lawsuits and foster energy production; **Pages H8954–56**

Upton amendment (No. 29 printed in H. Rept. 114–359) that requires the Department of Energy and Department of Commerce to conduct a study regarding the legal and regulatory barriers that delay, prohibit, or impede the export of natural energy resources; **Page H8956**

Castor (FL) amendment (No. 31 printed in H. Rept. 114–359) that allows community solar projects to be connected to their power distribution system and allows the electricity produced by the community solar facility to be credited directly to each of the consumers that owns a share of the system; **Pages H8957–58**

DeSaulnier amendment (No. 32 printed in H. Rept. 114–359) that requires the Department of Energy to study the maximum level of volatility that is consistent with the safest practicable shipment of crude oil; **Pages H8958–59**

Deutch amendment (No. 33 printed in H. Rept. 114–359) that promotes the research, development, and demonstration of marine hydrokinetic energy technologies and improves the regulatory process for such programs; **Pages H8959–60**

Grayson amendment (No. 34 printed in H. Rept. 114–359) that establishes minimum privacy standards for ''Smart Meters'' and their use in the smart grid; **Pages H8960–61**

Jackson Lee amendment (No. 35 printed in H. Rept. 114–359) that directs the Secretaries of Energy and Commerce to jointly establish an energy enterprise competition to encourage youth to propose solutions to the energy challenges of the United States and to promote youth interest in careers in science, technology, engineering, and math, especially as those fields relate to energy; **Pages H8961–63**

Meng amendment (No. 36 printed in H. Rept. 114–359) that strikes terms such as ''Oriental'' and ''Negro'' from two sections of title 42 of the U.S. Code, and replaces them with culturally appropriate terms; and **Page H8963**

Norcross amendment (No. 38 printed in H. Rept. 114–359) that directs the Secretary of Energy to study weaknesses in the security architecture of certain smart meters currently available. **Pages H8964–65**

Rejected:

Tonko amendment (No. 2 printed in H. Rept. 114–359) that sought to strike Section 1101 (by a recorded vote of 179 ayes to 244 noes, Roll No. 657); **Pages H8923–24, H8946**

Beyer amendment (No. 17 printed in H. Rept. 114–359) that sought to strike the repeal of Section 433 of the Energy Independence and Security Act which establishes targets for reducing energy from fossil fuels in federal buildings (by a recorded vote of 172 ayes to 246 noes, Roll No. 659); **Pages H8935–36, H8947–48**

Schakowsky amendment (No. 19 printed in H. Rept. 114–359) that sought to strip Section 4125 from the bill; Section 4125 eliminates an existing consumer right to recover costs due to manufacturer

misrepresentation of Energy Star products (by a recorded vote of 183 ayes to 239 noes, Roll No. 660); **Pages H8936–37, H8948–49**

Tonko amendment (No. 22 printed in H. Rept. 114–359) that sought to reauthorize the Weatherization Assistance Program and the State Energy Program through Fiscal Year 2020 (by a recorded vote of 198 ayes to 224 noes, Roll No. 661); **Pages H8938–40, H8949–50**

Castor (FL) amendment (No. 23 printed in H. Rept. 114–359) that sought to strengthen energy infrastructure resiliency and improves energy efficiency by incentivizing local renewable thermal (heating and cooling) energy and waste heat such as combined heat and power and by providing technical assistance to eligible entities to establish distributed energy systems (by a recorded vote of 175 ayes to 247 noes, Roll No. 662); and **Pages H8940–42, H8949**

Polis amendment (No. 24 printed in H. Rept. 114–359) that sought to require the Secretary of the Interior to notify landowners, and any adjacent landholders, when federally owned minerals beneath their land have been leased for oil and gas development (by a recorded vote of 206 ayes to 216 noes, Roll No. 663). **Pages H8942–43, H8950**

Proceedings Postponed:

Cramer amendment (No. 26 printed in H. Rept. 114–359) that seeks to authorize voluntary vegetation management within 150 feet of the exterior boundary of the right-of-way near structures; prevents sale of vegetation and limits legal liability; **Page H8953**

Rouzer amendment (No. 30 printed in H. Rept. 114–359) that seeks to repeal the March 2015 EPA final rule establishing federal standards for residential wood heaters; and **Pages H8956–57**

Pallone amendment (No. 37 printed in H. Rept. 114–359) that seeks to prohibit the Act from taking effect until after the Energy Information Administration analyzed and published a report on the carbon impacts of the Act's provisions. **Pages H8963–64**

H. Res. 542, the rule providing for further consideration of the bill (H.R. 8) and the conference report to accompany the bill (S. 1177) was agreed to by a recorded vote of 240 ayes to 181 noes, Roll No. 654, after the previous question was ordered by a yea-and-nay vote of 243 yeas to 177 nays, Roll No. 653. **Pages H8882–84**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, December 3. **Page H8952**

Quorum Calls—Votes: Three yea-and-nay votes and ten recorded votes developed during the proceedings of today and appear on pages H8882–83, H8883–84, H8884, H8945–46, H8946, H8947, H8947–48, H8948, H8949, H8949–50, H8950, H8951 and H8951–52. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:20 p.m.

Committee Meetings

REVIEW OF THE FARM CREDIT SYSTEM

Committee on Agriculture: Full Committee held a hearing to review the Farm Credit System. Testimony was heard from Kenneth Spearman, Chairman of the Board and CEO, Farm Credit Administration.

PRINCIPLES FOR ENSURING RETIREMENT ADVICE SERVES THE BEST INTERESTS OF WORKING FAMILIES AND RETIREES

Committee on Education and the Workforce: Subcommittee on Health, Employment, Labor, and Pensions held a hearing entitled ''Principles for Ensuring Retirement Advice Serves the Best Interests of Working Families and Retirees''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Communications and Technology held a markup on H.R. 1641, the ''Federal Spectrum Incentive Act of 2015''; and a discussion draft to amend the National Telecommunications and Information Administration Organization Act to facilitate that deployment of communications infrastructure by providing for an inventory of Federal assets for use in connection with such deployment, to streamline certain Federal approvals of communication facilities, to provide for measures to promote the use of utility poles in the deployment, and for other purposes. H.R. 1641 and a discussion draft to amend the National Telecommunications and Information Administration Organization Act to facilitate that deployment of communications infrastructure by providing for an inventory of Federal assets for use in connection with such deployment, to streamline certain Federal approvals of communication facilities, to provide for measures to promote the use of utility poles in the deployment, and for other purposes, were forwarded to the Full Committee, without amendment.

LEGISLATIVE PROPOSALS TO IMPROVE THE U.S. CAPITAL MARKETS

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing entitled ''Legislative Proposals to Improve the U.S. Capital Markets''. Testimony was heard from public witnesses.

IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS: FUELING MIDDLE EAST TURMOIL

Committee on Foreign Affairs: Full Committee held a hearing entitled ''Iran's Islamic Revolutionary Guard Corps: Fueling Middle East Turmoil''. Testimony was heard from public witnesses.

THE PARIS ATTACKS: A STRATEGIC SHIFT BY ISIS?

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing entitled ''The Paris Attacks: A Strategic Shift by ISIS?''. Testimony was heard from public witnesses.

ASSESSING THE PRESIDENT'S STRATEGY IN AFGHANISTAN

Committee on Foreign Affairs: Subcommittee on the Middle East and North Africa held a hearing entitled ''Assessing the President's Strategy in Afghanistan''. Testimony was heard from public witnesses.

U.S. STRATEGIC INTERESTS AND THE APEC AND EAST ASIA SUMMITS

Committee on Foreign Affairs: Subcommittee on Asia and the Pacific held a hearing entitled ''U.S. Strategic Interests and the APEC and East Asia Summits''. Testimony was heard from Michael H. Fuchs, Deputy Assistant Secretary of State for Strategy and Multilateral Affairs, Bureau of East Asian and Pacific Affairs, Department of State; and Bruce Hirsh, Assistant U.S. Trade Representative for Japan, Korea, and APEC, Office of the United States Trade Representative.

MISCELLANEOUS MEASURES

Committee on House Administration: Full Committee held a markup on H.R. 1670, the ''National POW/MIA Remembrance Act of 2015''; hearing entitled ''Improving Customer Service for the Copyright Community: Ensuring the Copyright Office and the Library of Congress Are Able To Meet the Demands of the Digital Age''. H.R. 1670 was ordered reported, without amendment. Testimony was heard from David S. Mao, Acting Librarian of Congress; Maria A. Pallante, Register of Copyrights, U.S. Copyright Office; and Joel C. Willemssen, Managing Director for Information Technology, Government Accountability Office.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup on H.R. 2831, to make technical amendments to update statutory references to provisions classified to chapters 44, 45, 46, and 47 of title 50, United States Code; H.R. 2832, to make technical amendments to update statutory references to certain provisions classified to title 52, United States Code; and H.R. 1584, the ''CARDER Act of 2015''. H.R. 1584 was ordered reported, without amendment. H.R. 2831 and H.R. 2832 were ordered reported, as amended.

NATIONAL PARK SERVICE CENTENNIAL ACT

Committee on Natural Resources: Subcommittee on Federal Lands held a hearing on discussion draft of the ''National Park Service Centennial Act''. Testimony was heard from Jonathan B. Jarvis, Director, National Park Service; and public witnesses.

CONFERENCE REPORT TO ACCOMPANY THE SURFACE TRANSPORTATION REAUTHORIZATION AND REFORM ACT OF 2015

Committee on Rules: Full Committee held a hearing on a conference report to accompany H.R. 22, the ''Surface Transportation Reauthorization and Reform Act of 2015''. The committee granted, by voice vote, a rule that waives all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate and one motion to recommit if applicable. The rule states that debate on the conference report is divided pursuant to clause 8(d) of rule XXII. Testimony was heard from Chairman Shuster and Representative DeFazio.

OFFICE OF NATIONAL DRUG CONTROL POLICY: REAUTHORIZATION

Committee on Oversight and Government Reform: Subcommittee on Government Operations held a hearing entitled ''Office of National Drug Control Policy: Reauthorization''. Testimony was heard from Michael Botticelli, Director, National Drug Control Policy, Office of National Drug Control Policy; David Maurer, Director, Justice and Law Enforcement Issues, Government Accountability Office; and a public witness.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 3, 2015

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine supporting the warfighter of today and tomorrow, 9:30 a.m., SD–106.

Committee on Energy and Natural Resources: to hold an oversight hearing to examine implementation of the Alaska National Interest Lands Conservation Act of 1980, including perspectives on the Act's impacts in Alaska and suggestions for improvements to the Act, 10 a.m., SD–366.

Committee on Foreign Relations: to receive a closed briefing on the United States role in the Middle East, 9 a.m., S–116, Capitol.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nominations of Robert A. Salerno, and Darlene Michele Soltys, both to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years, and Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2019 (Reappointment), 10 a.m., SD–342.

House

Committee on Armed Services, Subcommittee on Readiness, hearing entitled ''Effects of Reduced Infrastructure and Base Operating Support Investments on Readiness'', 8 a.m., 2118 Rayburn.

Subcommittee on Military Personnel, hearing entitled ''Stakeholder Views on Military Health Care'', 10:30 a.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and the Economy, hearing entitled ''The Nuclear Waste Fund: Budgetary, Funding, and Scoring Issues'', 10 a.m., 1100 Longworth.

Subcommittee on Communications and Technology, hearing entitled ''Broadcasting Ownership in the 21st Century'', 10:15 a.m., 2322 Rayburn.

Committee on Homeland Security, Subcommittee on Oversight and Management Efficiency, hearing entitled ''Driving Away with Taxpayer Dollars: DHS's Failure to Effectively Manage the FPS Vehicle Fleet'', 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Immigration and Border Security, hearing entitled ''Oversight of the Executive Office for Immigration Review'', 9 a.m., 2141 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Energy, hearing on H.R. 4084, the ''Nuclear Energy Innovation Capabilities Act'', 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Economic Growth, Tax and Capital Access, hearing entitled ''Employers of Choice: How the Tax Extender Debate Will Affect Small Business'', 10 a.m., 2360 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the economic outlook, 10 a.m., SH–216.

Next Meeting of the SENATE

9:30 a.m., Thursday, December 3

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 3762, Restoring Americans' Healthcare Freedom Reconciliation Act. Senators should expect a series of roll call votes at 1:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9:30 a.m., Thursday, December 3

House Chamber

Program for Thursday: Complete consideration of H.R. 8—North American Energy Security and Infrastructure Act of 2015. Consideration of the conference report to accompany H.R. 22—Surface Transportation Reauthorization and Reform Act of 2015 (Subject to a Rule).

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