

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

By Mr. VITTER:

S. 97. A bill to clarify that the anti-kick-back laws apply to qualified health plans, the federally-facilitated marketplaces, and other plans and programs under title I of the Patient Protection and Affordable Care Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 98. A bill to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER:

S. 99. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling \$5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

By Mr. VITTER:

S. 100. A bill to amend the Internal Revenue Code of 1986 to provide a tax deduction for itemizers and nonitemizers for expenses relating to home schooling; to the Committee on Finance.

By Mr. VITTER:

S. 101. A bill to amend the Internal Revenue Code of 1986 to expand the Coverdell education savings accounts to allow home school education expenses, and for other purposes; to the Committee on Finance.

By Mr. VITTER:

S. 102. A bill to amend the public charter school provisions of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER:

S. 103. A bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services; to the Committee on Appropriations.

By Mr. VITTER:

S. 104. A bill to provide for full and open competition for Federal contracts related to natural disaster reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 105. A bill to permit management of the red snapper by Gulf Coast States and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER:

S. 106. A bill to amend the Federal Water Pollution Control Act to permit removal to United States district courts of certain civil actions filed in State courts; to the Committee on Environment and Public Works.

By Mr. VITTER:

S. 107. A bill to amend the Financial Stability Act of 2010 to repeal certain designation authority of the Financial Stability Oversight Council, to repeal the Payment, Clearing, and Settlement Supervision Act of 2010, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALEXANDER (for himself, Mr. BENNET, Mr. BURR, Mr. KING, Mr. ISAKSON, and Mr. BOOKER):

S. 108. A bill to amend the Higher Education Act of 1965 to improve access for students to Federal grants and loans to help pay for postsecondary, graduate, and professional educational opportunities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER:

S. 109. A bill to prohibit the consideration of any bill by Congress unless the authority provided by the Constitution of the United States for the legislation can be determined and is clearly specified; to the Committee on Rules and Administration.

By Mr. HELLER:

S. 110. A bill to rescind funds made available to the Administrator of the Environmental Protection Agency if the Administrator fails to meet certain deadlines; to the Committee on Environment and Public Works.

By Mr. HELLER:

S. 111. A bill to prohibit a Federal agency from establishing or implementing a policy that discourages or prohibits the selection of a resort or vacation destination as the location for a conference or event, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HELLER:

S. 112. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to publish and make available for public comment a draft economic analysis at the time a proposed rule to designate critical habitat is published; to the Committee on Environment and Public Works.

By Mr. HELLER:

S. 113. A bill to ensure that Federal Register notices submitted to the Bureau of Land Management are reviewed in a timely manner; to the Committee on Energy and Natural Resources.

By Mr. HELLER:

S. 114. A bill to require the Secretary of Veterans Affairs to provide the public with access to research of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HELLER:

S. 115. A bill to increase oversight of small business assistance programs provided by the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. HELLER:

S. 116. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Finance.

By Mr. HELLER (for himself and Mr. CRUZ):

S. 117. A bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel, and for other purposes; to the Committee on Foreign Relations.

By Mr. VITTER:

S. 118. A bill to require the Secretary of Health and Human Services to address certain inconsistencies between the self-at-tested information provided by an applicant in enrolling a health plan on an Exchange and being determined eligible for premium tax credits and cost-sharing reductions or in being determined to be eligible for enrollment in a State Medicaid plan or a State child health plan under the State Children's Health Insurance Program and the data received through the Federal Data Services Hub or from other data sources; 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. MCCONNELL:

S. Res. 21. A resolution making majority party appointments for the 114th Congress; considered and agreed to.

By Mr. DURBIN (for Mr. REID):

S. Res. 22. A resolution to constitute the minority party's membership on certain committees for the One Hundred Fourteenth Congress, or until their successors are chosen; considered and agreed to.

By Mr. VITTER:

S. Con. Res. 1. A concurrent resolution expressing the sense of Congress that a carbon tax is not in the economic interest of the United States; to the Committee on Finance.

#### ADDITIONAL COSPONSORS

S. 12

At the request of Mr. BLUNT, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 12, a bill to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

S. 16

At the request of Mr. VITTER, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 16, a bill to amend the Patient Protection and Affordable Care Act to apply the provisions of the Act to certain Congressional staff and members of the executive branch.

S. 23

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 23, a bill to amend title 17, United States Code, with respect to the definition of "widow" and "widower", and for other purposes.

S. 29

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 29, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 30

At the request of Ms. COLLINS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Missouri (Mr. BLUNT), the Senator from Kansas (Mr. MORAN), the Senator from Utah (Mr. HATCH), the Senator from New Hampshire (Ms. AYOTTE), the Senator from South Carolina (Mr. SCOTT), the Senator from Ohio (Mr. PORTMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nebraska (Mrs. FISCHER), the Senator from Iowa (Mr. GRASSLEY), the Senator from Kansas (Mr. ROBERTS), the Senator from Louisiana (Mr. VITTER), the Senator from South Dakota (Mr. THUNE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. ENZI), the Senator from Idaho (Mr.

CRAPO), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. ISAKSON), the Senator from North Dakota (Mr. HOEVEN), the Senator from Illinois (Mr. KIRK), the Senator from Mississippi (Mr. WICKER), the Senator from Colorado (Mr. GARDNER) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 30, a bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act.

S. 31

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 31, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S.J. RES. 1

At the request of Mr. VITTER, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. FRANKEN, Mr. SANDERS, Mr. WHITEHOUSE, and Mr. HEINRICH):

S. 40. A bill to direct the Federal Communications Commission to promulgate regulations that prohibit certain preferential treatment or prioritization of Internet traffic; to the Committee on Commerce, Science, and Transportation.

Mr. LEAHY. Mr. President, for nearly a year now, Americans across the country have made their voices heard on the critical issue of how we protect an open Internet. Their message has been loud and clear—they want meaningful rules that protect the Internet as a platform for free expression and innovation. Consumers want to see the online space as we have always known it, as a place where the best ideas and services can reach users on merit rather than based on a financial relationship with a broadband provider. Last Congress I joined with my friend in the House, Representative DORIS MATSUI of California, to introduce bicameral legislation requiring the Federal Communications Commission, FCC, to ban “pay-to-play” deals on the Internet. Today, I am pleased to once again join with her to reintroduce this important bill.

When we originally introduced this legislation last June, nearly 300,000 Americans had commented on FCC Chairman Tom Wheeler’s open Internet proposal. That number alone would have been an impressive level of public

engagement. Since that time, however, the number of public comments filed at the FCC has swelled to nearly 4 million. As the comments show, consumers are concerned that without meaningful rules the Internet will become a place where broadband providers charge tolls to websites or applications for them to reach end users. This would represent a fundamental departure from the way in which consumers and entrepreneurs interact with the Internet. A two-tiered Internet based on ability to pay would harm the innovative and competitive environment we have all come to expect in the online world.

Like an overwhelming number of the public, I have grave concerns that a pay-to-play Internet would allow larger companies to squeeze out their competitors, stifling competition online. A small web company in Vermont that develops an idea to rival the largest Silicon Valley titans should not have to worry that its access to consumers could be blocked because its competitors have a paid arrangement with broadband providers. The next generation of Internet companies and retailers should have the same protections that allowed a company like the Vermont Country Store to become a thriving online success.

Pay-to-play arrangements would also harm consumers, who would not have the assurance that the service they are paying for will provide the speed that they want. Too many Americans currently lack real choice in broadband providers, particularly those in rural areas. A pay-to-play Internet could result in whole swaths of the Internet becoming functionally inaccessible to the customers of certain Internet providers. This is not the Internet we know today, and the FCC or Congress must act to ensure that it does not come to pass.

The Online Competition and Consumer Choice Act is straightforward. It requires the FCC to establish rules preventing providers from charging websites for priority access. It also requires rules to prevent providers from prioritizing their own affiliated content or services. These are simple rules to preserve the equal platform we know online today.

This legislation should not be used by opponents of meaningful open Internet rules to undermine the FCC’s important work to craft open Internet rules that will protect consumers and innovators. To the contrary, this bill sets out important policy positions that the FCC should adopt in its current consideration of open Internet rules. The FCC should not hesitate to act at its February meeting to ban these deals outright.

The importance of an open Internet is an issue that resonates in homes and businesses across the country. I spent significant time last year listening to voices outside of Washington, particularly those of Vermonters, so that I could hear firsthand about the impact

the Internet has had on small businesses and consumers. The Judiciary Committee held two hearings on this issue, including one in Vermont, where I heard exactly these kinds of stories. These are not people looking for a handout or special treatment—these are entrepreneurs and consumers who simply want the Internet to remain an equalizing tool regardless of where you live or how deep your pockets are.

There should be widespread agreement to prevent special deals that harm consumers and dampen online innovation. The FCC and Congress should rightly focus on this timely and significant issue to protect innovation and competition online.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 40

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Online Competition and Consumer Choice Act of 2015”.

#### SEC. 2. FCC REGULATIONS PROHIBITING CERTAIN PREFERENTIAL TREATMENT OR PRIORITIZATION OF INTERNET TRAFFIC.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commission shall promulgate regulations that—

(1) prohibit a broadband provider from entering into an agreement with an edge provider under which the broadband provider agrees, for consideration, in transmitting network traffic over the broadband Internet access service of an end user, to give preferential treatment or priority to the traffic of such edge provider over the traffic of other edge providers; and

(2) prohibit a broadband provider, in transmitting network traffic over the broadband Internet access service of an end user, from giving preferential treatment or priority to the traffic of content, applications, services, or devices that are provided or operated by such broadband provider, or an affiliate of such broadband provider, over the traffic of other content, applications, services, or devices.

#### (b) RULES OF CONSTRUCTION.—

(1) CERTAIN TRAFFIC NOT AFFECTED.—Nothing in this section shall be construed as superseding any obligation or authorization a broadband provider may have to address the needs of emergency communications or law enforcement, public safety, or national security authorities, consistent with or as permitted by applicable law, or as limiting the ability of the provider to do so.

(2) CLARIFICATION OF AUTHORITY.—Nothing in this section shall be construed as limiting the authority of the Commission under any other provision of law, including the authority to promulgate regulations prohibiting or limiting preferential treatment or prioritization of the traffic of an edge provider by a broadband provider under GN Docket No. 14-28 (relating to the matter of protecting and promoting the open Internet).

(c) ENFORCEMENT.—For purposes of sections 503(b) and 504 of the Communications Act of 1934 (47 U.S.C. 503(b); 504), this section shall be considered to be a part of such Act. With respect to enforcement under this section only, the following modifications of such section 503(b) shall apply: