S. 1877

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 1877, a bill to require the Attorney General to appoint a special prosecutor to investigate Planned Parenthood, and for other purposes.

S. 1881

At the request of Mrs. ERNST, the names of the Senator from Georgia (Mr. PERDUE), the Senator from North Carolina (Mr. BURR), the Senator from Arkansas (Mr. COTTON), the Senator from Arizona (Mr. MCCAIN), the Senator from Louisiana (Mr. CASSIDY), the Senator from Ohio (Mr. PORTMAN), the Senator from North Carolina (Mr. TILLIS), the Senator from Florida (Mr. RUBIO), the Senator from Louisiana (Mr. VITTER), the Senator from South Dakota (Mr. ROUNDS), the Senator from Mississippi (Mr. WICKER), the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 1881, a bill to prohibit Federal funding of Planned Parenthood Federation of America.

S. RES. 230

At the request of Mr. KING, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 230, a resolution designating September 25, 2015, as ''National Lobster Day''.

AMENDMENT NO. 2279

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 2279 intended to be proposed to H.R. 22, 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.

AMENDMENT NO. 2416

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2416 intended to be proposed to H.R. 22, 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.

AMENDMENT NO. 2419

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2419 intended to be proposed to H.R. 22, 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.

AMENDMENT NO. 2456

At the request of Mr. MORAN, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 2456 intended to be proposed to H.R. 22, 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mrs. CAPITO):

S. 1883. A bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by Senator CAPITO in the introduction of the Childhood Cancer Survivorship, Treatment, Access, and Research, STAR, Act of 2015. This legislation is an extension of ongoing bipartisan efforts in the Senate over the past decade to get us closer to the goal of hopefully one day curing cancers in children, adolescents, and young adults. Representatives MCCAUL, VAN HOLLEN, and SPEIER are introducing the companion legislation in the other body.

I first started working on this issue after meeting the Haight family from Warwick, RI, in June of 2004. Nancy and Vincent lost their son, Ben, when he was just 9 years old to neuroblastoma, a very aggressive tumor in the brain.

The heart-wrenching story of Ben Haight highlights the importance of this legislation. It is my hope that one day Ben's story, and thousands of other children like him, will be one of survival. With the strong support of families like the Haights for increased research into the causes of childhood cancers and improved treatment options, I introduced bipartisan legislation that eventually was signed into law in 2008 as the Caroline Pryce Walker Conquer Childhood Cancer Act.

This was an important step. Yet, more work remains. With the STAR Act, we would take the next needed steps to advance pediatric cancer research and child-focused cancer treatments, while also improving childhood cancer surveillance and providing resources for survivors and those impacted by childhood cancer.

If a treatment is working, doctors elsewhere should know immediately. The same should happen if a treatment isn't working, or if other major medical events occur during the course of a particular treatment. It is critical that doctors, nurses, and other providers are able to effectively communicate information about the disease, the treatment process, and what other health and development impacts children can expect to experience.

As such, the STAR Act reauthorizes the Caroline Pryce Walker Conquer Childhood Cancer Act to help create a comprehensive children's cancer biorepository for researchers to use in searching for biospecimens to study and would improve surveillance of childhood cancer cases.

Additionally, this legislation includes provisions dealing with issues that arise for survivors of childhood cancer. Unfortunately, even after beating cancer, as many as two-thirds of childhood cancer survivors are likely to experience at least one late effect of treatment; as many as one-fourth experience a late effect that is serious or life-threatening, including second cancers and organ damage.

We must do more to ensure that children survive cancer and any late effects so they can live a long, healthy, and productive life. This legislation would enhance research on the late effects of childhood cancers, improve collaboration among providers so that doctors are better able to care for this population as they age, and establish a new pilot program to begin to explore improved models of care for childhood cancer survivors.

This legislation also provides some clarity for patients and their physicians attempting to access new drugs and therapies from pharmaceutical companies. When a patient has run out of other options, the last thing they and their families need is to spend months being given the run-around trying to access a potential treatment.

Lastly, this bill will ensure more pediatric expertise at the National Institutes of Health to better leverage the research investment to improve pediatric cancer research by requiring the inclusion of at least one pediatric oncologist on the National Cancer Advisory Board and improving childhood health reporting requirements to include pediatric cancer.

I am pleased that the Childhood Cancer STAR Act has the support of the American Cancer Society Cancer Action Network, St. Baldrick's Foundation, and Children's Oncology Group, among others. I look forward to working with these and other stakeholders, as well as Senator CAPITO to urge the rest of our colleagues to join us in supporting this crucial legislation.

By Mr. DURBIN (for himself, Mr. WHITEHOUSE, Mr. REED, Mr. BROWN, Ms. BALDWIN, Mr. KING, and Ms. HIRONO):

S. 1884. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare

program; to the Committee on Finance.

Mr. DURBIN. 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. 1884

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 ''Medicare Prescription Drug Savings and Choice Act of 2015''.

SEC. 2. ESTABLISHMENT OF MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION.

(a) IN GENERAL.—Subpart 2 of part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–11 (42 U.S.C. 1395w–111) the following new section:

''MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION

''SEC. 1860D–11A. (a) IN GENERAL.—Notwithstanding any other provision of this part, for each year (beginning with 2017), in addition to any plans offered under section 1860D–11, the Secretary shall offer one or more Medicare operated prescription drug plans (as defined in subsection (c)) with a service area that consists of the entire United States and shall enter into negotiations in accordance with subsection (b) with pharmaceutical manufacturers to reduce the purchase cost of covered part D drugs for eligible part D individuals who enroll in such a plan.

''(b) NEGOTIATIONS.—Notwithstanding section 1860D–11(i), for purposes of offering a Medicare operated prescription drug plan under this section, the Secretary shall negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs in a Medicare operated prescription drug plan and shall encourage the use of more affordable therapeutic equivalents to the extent such practices do not override medical necessity as determined by the prescribing physician. To the extent practicable and consistent with the previous sentence, the Secretary shall implement strategies similar to those used by other Federal purchasers of prescription drugs, and other strategies, including the use of a formulary and formulary incentives in subsection (e), to reduce the purchase cost of covered part D drugs.

''(c) MEDICARE OPERATED PRESCRIPTION DRUG PLAN DEFINED.—For purposes of this part, the term 'Medicare operated prescription drug plan' means a prescription drug plan that offers qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A). Such a plan may offer supplemental prescription drug coverage in the same manner as other qualified prescription drug coverage offered by other prescription drug plans.

''(d) MONTHLY BENEFICIARY PREMIUM.—

''(1) QUALIFIED PRESCRIPTION DRUG COVERAGE.—The monthly beneficiary premium for qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A) to be charged under a Medicare operated prescription drug plan shall be uniform nationally. Such premium for months in 2017 and each succeeding year shall be based on the average monthly per capita actuarial cost of offering the Medicare operated prescription drug plan for the year involved, including administrative expenses.

''(2) SUPPLEMENTAL PRESCRIPTION DRUG COVERAGE.—Insofar as a Medicare operated prescription drug plan offers supplemental prescription drug coverage, the Secretary may adjust the amount of the premium charged under paragraph (1).

''(e) USE OF A FORMULARY AND FORMULARY INCENTIVES.—

''(1) IN GENERAL.—With respect to the operation of a Medicare operated prescription drug plan, the Secretary shall establish and apply a formulary (and may include formulary incentives described in paragraph (2)(C)(ii)) in accordance with this subsection in order to—

''(A) increase patient safety;

''(B) increase appropriate use and reduce inappropriate use of drugs; and

''(C) reward value.

''(2) DEVELOPMENT OF INITIAL FORMULARY.—

''(A) IN GENERAL.—In selecting covered part D drugs for inclusion in a formulary, the Secretary shall consider clinical benefit and price.

''(B) ROLE OF AHRQ.—The Director of the Agency for Healthcare Research and Quality shall be responsible for assessing the clinical benefit of covered part D drugs and making recommendations to the Secretary regarding which drugs should be included in the formulary. In conducting such assessments and making such recommendations, the Director shall—

''(i) consider safety concerns including those identified by the Food and Drug Administration;

''(ii) use available data and evaluations, with priority given to randomized controlled trials, to examine clinical effectiveness, comparative effectiveness, safety, and enhanced compliance with a drug regimen;

''(iii) use the same classes of drugs developed by the United States Pharmacopeia for this part;

''(iv) consider evaluations made by—

''(I) the Director under section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

''(II) other Federal entities, such as the Secretary of Veterans Affairs; and

''(III) other private and public entities, such as the Drug Effectiveness Review Project and State plans under title XIX; and

''(v) recommend to the Secretary—

''(I) those drugs in a class that provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that should be included in the formulary;

''(II) those drugs in a class that provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that should be excluded from the formulary; and

''(III) drugs in a class with same or similar clinical benefit for which it would be appropriate for the Secretary to competitively bid (or negotiate) for placement on the formulary.

''(C) CONSIDERATION OF AHRQ RECOMMENDATIONS.—

''(i) IN GENERAL.—The Secretary, after taking into consideration the recommendations under subparagraph (B)(v), shall establish a formulary, and formulary incentives, to encourage use of covered part D drugs that—

''(I) have a lower cost and provide a greater clinical benefit than other drugs;

''(II) have a lower cost than other drugs with the same or similar clinical benefit; and

''(III) have the same cost but provide greater clinical benefit than other drugs.

''(ii) FORMULARY INCENTIVES.—The formulary incentives under clause (i) may be in the form of one or more of the following:

''(I) Tiered copayments.

''(II) Reference pricing.

''(III) Prior authorization.

''(IV) Step therapy.

''(V) Medication therapy management.

''(VI) Generic drug substitution.

''(iii) FLEXIBILITY.—In applying such formulary incentives the Secretary may decide not to impose any cost-sharing for a covered part D drug for which—

''(I) the elimination of cost sharing would be expected to increase compliance with a drug regimen; and

''(II) compliance would be expected to produce savings under part A or B or both.

''(3) LIMITATIONS ON FORMULARY.—In any formulary established under this subsection, the formulary may not be changed during a year, except—

''(A) to add a generic version of a covered part D drug that entered the market;

''(B) to remove such a drug for which a safety problem is found; and

''(C) to add a drug that the Secretary identifies as a drug which treats a condition for which there has not previously been a treatment option or for which a clear and significant benefit has been demonstrated over other covered part D drugs.

''(4) ADDING DRUGS TO THE INITIAL FORMULARY.—

''(A) USE OF ADVISORY COMMITTEE.—The Secretary shall establish and appoint an advisory committee (in this paragraph referred to as the 'advisory committee')—

''(i) to review petitions from drug manufacturers, health care provider organizations, patient groups, and other entities for inclusion of a drug in, or other changes to, such formulary; and

''(ii) to recommend any changes to the formulary established under this subsection.

''(B) COMPOSITION.—The advisory committee shall be composed of 9 members and shall include representatives of physicians, pharmacists, and consumers and others with expertise in evaluating prescription drugs. The Secretary shall select members based on their knowledge of pharmaceuticals and the Medicare population. Members shall be deemed to be special Government employees for purposes of applying the conflict of interest provisions under section 208 of title 18, United States Code, and no waiver of such provisions for such a member shall be permitted.

''(C) CONSULTATION.—The advisory committee shall consult, as necessary, with physicians who are specialists in treating the disease for which a drug is being considered.

''(D) REQUEST FOR STUDIES.—The advisory committee may request the Agency for Healthcare Research and Quality or an academic or research institution to study and make a report on a petition described in subparagraph (A)(i) in order to assess—

''(i) clinical effectiveness;

''(ii) comparative effectiveness;

''(iii) safety; and

''(iv) enhanced compliance with a drug regimen.

''(E) RECOMMENDATIONS.—The advisory committee shall make recommendations to the Secretary regarding—

''(i) whether a covered part D drug is found to provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that is currently included in the formulary and should be included in the formulary;

''(ii) whether a covered part D drug is found to provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that is currently included in the formulary and should not be included in the formulary; and

''(iii) whether a covered part D drug has the same or similar clinical benefit to a drug in the same class that is currently included

in the formulary and whether the drug should be included in the formulary.

''(F) LIMITATIONS ON REVIEW OF MANUFACTURER PETITIONS.—The advisory committee shall not review a petition of a drug manufacturer under subparagraph (A)(i) with respect to a covered part D drug unless the petition is accompanied by the following:

''(i) Raw data from clinical trials on the safety and effectiveness of the drug.

''(ii) Any data from clinical trials conducted using active controls on the drug or drugs that are the current standard of care.

''(iii) Any available data on comparative effectiveness of the drug.

''(iv) Any other information the Secretary requires for the advisory committee to complete its review.

''(G) RESPONSE TO RECOMMENDATIONS.—The Secretary shall review the recommendations of the advisory committee and if the Secretary accepts such recommendations the Secretary shall modify the formulary established under this subsection accordingly. Nothing in this section shall preclude the Secretary from adding to the formulary a drug for which the Director of the Agency for Healthcare Research and Quality or the advisory committee has not made a recommendation.

''(H) NOTICE OF CHANGES.—The Secretary shall provide timely notice to beneficiaries and health professionals about changes to the formulary or formulary incentives.

''(f) INFORMING BENEFICIARIES.—The Secretary shall take steps to inform beneficiaries about the availability of a Medicare operated drug plan or plans including providing information in the annual handbook distributed to all beneficiaries and adding information to the official public Medicare website related to prescription drug coverage available through this part.

''(g) APPLICATION OF ALL OTHER REQUIREMENTS FOR PRESCRIPTION DRUG PLANS.—Except as specifically provided in this section, any Medicare operated drug plan shall meet the same requirements as apply to any other prescription drug plan, including the requirements of section 1860D–4(b)(1) relating to assuring pharmacy access.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1860D–3(a) of the Social Security Act (42 U.S.C. 1395w–103(a)) is amended by adding at the end the following new paragraph:

''(4) AVAILABILITY OF THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—A Medicare operated prescription drug plan (as defined in section 1860D–11A(c)) shall be offered nationally in accordance with section 1860D–11A.''.

(2)(A) Section 1860D–3 of the Social Security Act (42 U.S.C. 1395w–103) is amended by adding at the end the following new subsection:

''(c) PROVISIONS ONLY APPLICABLE IN 2006 THROUGH 2016.—The provisions of this section shall only apply with respect to 2006 through 2016.''.

(B) Section 1860D–11(g) of such Act (42 U.S.C. 1395w–111(g)) is amended by adding at the end the following new paragraph:

''(8) NO AUTHORITY FOR FALLBACK PLANS AFTER 2016.—A fallback prescription drug plan shall not be available after December 31, 2016.''.

(3) Section 1860D–13(c)(3) of the Social Security Act (42 U.S.C. 1395w–113(c)(3)) is amended—

(A) in the heading, by inserting ''AND MEDICARE OPERATED PRESCRIPTION DRUG PLANS'' after ''FALLBACK PLANS''; and

(B) by inserting ''or a Medicare operated prescription drug plan'' after ''a fallback prescription drug plan''.

(4) Section 1860D–16(b)(1) of the Social Security Act (42 U.S.C. 1395w–116(b)(1)) is amended—

(A) in subparagraph (C), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) payments for expenses incurred with respect to the operation of Medicare operated prescription drug plans under section 1860D–11A.''.

(5) Section 1860D–41(a) of the Social Security Act (42 U.S.C. 1395w–151(a)) is amended by adding at the end the following new paragraph:

''(19) MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—The term 'Medicare operated prescription drug plan' has the meaning given such term in section 1860D–11A(c).''.

SEC. 3. IMPROVED APPEALS PROCESS UNDER THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.

Section 1860D–4(h) of the Social Security Act (42 U.S.C. 1305w–104(h)) is amended by adding at the end the following new paragraph:

''(4) APPEALS PROCESS FOR MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—

''(A) IN GENERAL.—The Secretary shall develop a well-defined process for appeals for denials of benefits under this part under the Medicare operated prescription drug plan. Such process shall be efficient, impose minimal administrative burdens, and ensure the timely procurement of non-formulary drugs or exemption from formulary incentives when medically necessary. Medical necessity shall be based on professional medical judgment, the medical condition of the beneficiary, and other medical evidence. Such appeals process shall include—

''(i) an initial review and determination made by the Secretary; and

''(ii) for appeals denied during the initial review and determination, the option of an external review and determination by an independent entity selected by the Secretary.

''(B) CONSULTATION IN DEVELOPMENT OF PROCESS.—In developing the appeals process under subparagraph (A), the Secretary shall consult with consumer and patient groups, as well as other key stakeholders to ensure the goals described in subparagraph (A) are achieved.''.

By Mr. WYDEN (for himself and Mr. UDALL):

S. 1891. A bill to amend the Mineral Leasing Act to improve coal royalties, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today, I am proud to stand up for fairness by introducing legislation with my Senate colleague, Senator TOM UDALL of New Mexico, to ensure American taxpayers receive the full value of coal produced on public lands.

The Coal Royalty Fairness Act would require the Interior Department to collect royalties for coal mined on Federal lands based on the actual market value of coal. This bill is based on current successful practices in Montana—the Nation's second largest Federal coal-producing State. Currently, some private mining companies sell coal to their own affiliated companies at a lower cost than market value, and pay Federal royalties based on the cheaper, first point of sale.

American taxpayers are getting ripped off by coal companies under the current, broken coal royalties system. I raised concerns about this 2 years ago, and today, Senator UDALL and I are introducing legislation to get the public every penny owed by companies that may be taking advantage of a loose system. Instead of subsidizing private coal companies, it is time to put this money back where it belongs—into rural communities and the pockets of taxpayers.

Our bill will require the Interior Department to collect royalties based on the actual market value of coal, not the below-market price they charge their own companies.

Our bill will also bring some much-needed transparency to the Federal coal program by requiring the Interior Department to publish more information and calling for Government Accountability Office to review the program every 3 years.

I urge my colleagues to join Senator UDALL and me by cosponsoring and ultimately passing this important bill.

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

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

S. 1891

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 ''Coal Royalty Fairness Act of 2015''.

SEC. 2. VALUATION OF COAL ROYALTIES.

Section 7 of the Mineral Leasing Act (30 U.S.C. 207) is amended—

(1) in subsection (a), by striking the fourth sentence; and

(2) by adding at the end the following:

''(d) ROYALTIES.—

''(1) DEFINITIONS.—In this subsection:

''(A) ASSESSMENT VALUE.—

''(i) IN GENERAL.—The term 'assessment value', with respect to Federal coal, means—

''(I) the price of Federal coal paid by the purchaser at final sale; or

''(II) a price imputed by the Secretary based on the coal price index.

''(ii) EXCLUSIONS.—The term 'assessment value' does not include, as determined and to the extent determined to be appropriate by the Secretary—

''(I) transportation costs, as determined in accordance with the transportation cost index; or

''(II) the cost of coal washing.

''(B) BROKER.—The term 'broker' means a person that resells Federal coal.

''(C) COAL PRICE INDEX.—The term 'coal price index' means the schedule of average market prices of Federal coal (in United States dollars) paid by the purchaser at final sale, based on the quality and type of the Federal coal, as determined by the Secretary, in consultation with the Administrator of the Energy Information Administration.

''(D) PURCHASER.—

''(i) IN GENERAL.—The term 'purchaser' means a person that—

''(I) purchases or contracts to purchase Federal coal—

''(aa) directly from a coal mine operator; or

''(bb) indirectly from a broker; and

''(II) uses that Federal coal in any industrial or energy conversion process.

''(ii) EXCLUSION.—The term 'purchaser' does not include—

''(I) a coal broker; or

''(II) any other third-party intermediary.

''(E) QUALITY.—The term 'quality', with respect to Federal coal, means the quality of Federal coal measured in British thermal units, sulfur, moisture, and other criteria determined to be appropriate by the Secretary.

''(F) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(G) TRANSPORTATION COST INDEX.—The term 'transportation cost index' means the transportation cost index established under paragraph (7).

''(H) TYPE.—The term 'type', with respect to Federal coal, means a general category of coal, such as metallurgical coal or steam coal, as determined by the Secretary.

''(2) PAYMENT RATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a lease shall require payment of a royalty in such amount as the Secretary shall determine of not less than 12.5 percent of the assessment value of Federal coal, as determined under paragraph (3).

''(B) EXCEPTION.—In lieu of the royalty payment rate described in subparagraph (A), the Secretary may establish such lower royalty payment rate as the Secretary determines to be appropriate in the case of Federal coal recovered by an underground mining operation.

''(3) VALUATION FOR ROYALTIES.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish, as the valuation for Federal coal royalties, the assessment value of Federal coal.

''(4) ADMINISTRATION.—

''(A) REPORTING.—The purchaser of Federal coal shall annually submit to the Secretary a report containing such information as the Secretary determines to be necessary to carry out this subsection.

''(B) AUDITS.—To carry out this subsection, the Secretary may examine the records of any person engaged in the purchase, sale, transportation, or marketing of Federal coal.

''(5) COAL PRICE INDEX.—

''(A) IN GENERAL.—The Secretary shall compile the assessment values of coal by type and quality of coal in a coal price index.

''(B) PUBLICATION.—Not less frequently than quarterly, the Secretary shall publish the coal price index, along with a methodological description, including—

''(i) the method of calculation;

''(ii) the data used to calculate the coal price index in an aggregate manner that does not reveal proprietary information; and

''(iii) any other information the Secretary considers appropriate to ensure transparency.

''(C) OTHER INFORMATION.—If a person believes that the coal price index significantly deviates from the assessment value of the coal produced by the person, the person may petition the Secretary to use information supplied by the person in lieu of the coal price index, including all information the Secretary requires to accurately determine the assessment value and audit the records of the person.

''(6) EXPORTS.—

''(A) IN GENERAL.—In assessing royalties for the export of Federal coal under this subsection, the Secretary may obtain from the exporter of the Federal coal such information as the Secretary determines to be necessary to carry out this subsection.

''(B) ASSESSMENT VALUE OF EXPORTED COAL.—Subject to subparagraph (C), in determining the assessment value of Federal coal that is exported, the Secretary shall—

''(i) use the price of coal free on board the marine vessel used to transport the coal overseas at the port of origin; and

''(ii) limit any deductions that apply to the assessment value of the Federal coal to costs incurred prior to being free onboard the vessel.

''(C) UNCERTAIN EXPORT PRICE.—If the Secretary cannot determine the value of exported coal in accordance with subparagraph (B), the Secretary shall—

''(i) assess royalties under this subsection based on the coal price index for coal of a similar quantity and type; and

''(ii) limit any deductions that apply to the assessment value of the Federal coal to costs incurred within the contiguous United States.

''(7) TRANSPORTATION COST INDEX.—

''(A) IN GENERAL.—Subject to the other provisions of this paragraph, the Secretary, in consultation with the Secretary of Energy and the Secretary of Transportation (in consultation with the Surface Transportation Board and others), shall—

''(i) compile in a transportation cost index the average costs of transporting coal; and

''(ii) determine the amount of any transportation cost deduction under this subsection, on the basis of the transportation cost index.

''(B) UNIT OF MEASUREMENT.—The transportation cost index shall be based on the average transportation costs per ton of coal or another unit of measurement determined by the Secretary.

''(C) DIFFERENCES IN TRANSPORTATION COSTS.—The transportation cost index shall take into consideration differences in the costs of transportation, as determined by the Secretary, based on—

''(i) the mode of transportation;

''(ii) the geographic region, and

''(iii) other characteristics of the transportation industry that the Secretary considers to be necessary to calculate a fair, transparent, and accurate transportation cost index.

''(D) EXCLUSIONS.—The transportation cost index shall not include costs associated with, as determined by the Secretary—

''(i) take-or-pay contract penalties;

''(ii) liquidated damages;

''(iii) the speculative aspects of transportation transactions; or

''(iv) any other costs that are not directly associated with moving Federal coal from 1 location to another location.

''(E) PUBLICATION.—Not less than twice annually, the Secretary shall publish the transportation cost index, along with a methodological description, including—

''(i) the method of calculation;

''(ii) the data used to calculate the transportation cost index, in an aggregate manner that does not reveal proprietary information; and

''(iii) any other information the Secretary considers to be appropriate to ensure transparency.

''(F) OTHER INFORMATION.—If a person believes that the transportation cost index significantly deviates from the transportation costs of the person, the person may petition the Secretary to use information supplied by the person (other than costs descried in subparagraph (D)) in lieu of the transportation cost index, including all information the Secretary requires to accurately determine cost and audit the records of the person.

''(8) REVIEWS.—

''(A) IN GENERAL.—To ensure a transparent, fair, and efficient administration of the Federal coal program, and to ensure that citizens of the United States receive a fair return on Federal coal, not later than 3 years after the date of enactment of this subsection and every 3 years thereafter during the 15-year period beginning on that date of enactment, the Comptroller General of the United States shall submit to Congress a report that describes a review of the Federal coal program, including the administration of this subsection.

''(B) CONSULTATION.—In conducting a review under this paragraph, the Comptroller General shall consult with—

''(i) the Secretary;

''(ii) the Director of the Bureau of Land Management;

''(iii) the Secretary of Transportation; and

''(iv) the Secretary of Energy.

''(C) INCLUSIONS.—A review under this paragraph shall include a review of—

''(i) the total volume of coal production from Federal land;

''(ii) the total volume of remaining coal reserves on Federal land;

''(iii) the total revenues generated from the Federal coal program, itemized by type of revenue, including lease bonus payments and royalties;

''(iv) market prices for coal;

''(v) market prices for transportation costs and any other deductible costs; and

''(vi) the appropriateness of royalty rates.

''(D) FORMAT.—The Comptroller General shall report information in a review under this paragraph—

''(i) in the aggregate for the United States; and

''(ii) categorized by State for at least the top 10 Federal coal-producing States, as determined by the Comptroller General.

''(9) APPLICATION.—This subsection—

''(A) applies to coal mined from Federal land; and

''(B) does not apply to coal mined from tribal land.''.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1894. A bill to provide short-term water supplies to drought-stricken California; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to speak about the historic drought that is devastating California and much of the West and to introduce the California Emergency Drought Relief Act along with Senator BOXER.

The toll on some of our most vulnerable communities is mounting.

As of July, 2,091 wells are already dry or will soon run out of water. This puts more than 10,000 people in jeopardy.

Rural and disadvantaged communities are some of the hardest hit.

Just this month, the Washington Post reported that arsenic had been found in wells serving St. Anthony's mobile home park in the Coachella Valley at twice the safe concentration.

In Porterville, Californians are bathing themselves with bottled water.

California is also suffering a massive loss of agriculture production.

A study from UC Davis estimates that farmers will fallow 563,000 acres in 2015, a 35 percent increase from last year when farmers fallowed 410,000 acres.

The State's agriculture sector stands to lose $1.8 billion in direct agricultural costs this year, on top of $1.5 billion last year.

The San Joaquin Valley is at the epicenter of the drought, and the possible damage to our nation's food supply is dire.

The Valley is home to 90 percent of the country's tomatoes, 74 percent of our lettuce, and 95 percent of our broccoli. The drought's effects on the Valley will extend far beyond California's borders.

But the devastating consequences of this drought aren't limited to a single region.

UC Davis also reports that California's economy will lose an estimated $2.7 billion in 2015, along with 18,600 jobs.

That is on top of $2.2 billion last year and 17,100 jobs lost.

Effects on the environment are also destructive.

Groundwater reserves in underground aquifers are being depleted, which is causing the surrounding land to sink.

Delta smelt are at their lowest levels since surveys first began in 1959, while Chinook salmon are imperiled by warmer water in the Sacramento River.

Saltwater from the San Francisco Bay threatens to contaminate freshwater in the Delta, imperiling an entire ecosystem, not to mention the ill effects on drinking water supplies and farmland.

Finally, we can't ignore the increasing threat of wildfires. Since January 1, the U.S. Forest Service reports more than 5,000 fires have burned on state and federal lands, a 10 percent increase over last year.

Despite the high likelihood of a strong El Niño this year, one wet season won't fix the problems. Experts estimate that California needs at least three above-average precipitation years to cover the current 37 million acre-foot deficit.

Doing nothing is simply not an option.

In drafting the bill we're introducing today, we started with the bill that unanimously passed the Senate in 2014.

We then modified that bill, adding significant environmental protections and removing controversial provisions.

We also included a range of provisions to protect and restore threatened and endangered species, as well as a number of programs to support long-term infrastructure projects like desalination, water recycling and storage.

My staff and I have taken dozens of meetings since January.

We have met with Congressional Republicans and Democrats, environmental groups, water districts, and State and local officials.

My California staff has visited water projects throughout the State to collect ideas, and my staff in Washington has consulted closely with Federal agencies to ensure the bill adheres to environmental law.

By releasing a bill this summer, months before the rainy season, Congress and the public will have ample time to review, debate and, where necessary, suggest improvements.

I expect the bill will receive a committee hearing, allowing every member of Congress and the public to weigh in.

Let me briefly discuss how this bill will help.

Federal policy will be most effective if it is aligned with the State's goals and the State water bond.

This means expanding Federal efforts to include long-term solutions such as desalination, recycling and storage. We also must look at ways to help communities that are running out of water.

To help those communities, the bill includes a new program to assist areas that have suffered the brunt of the drought, communities like Porterville and others in Tulare County.

Providing emergency supplies like bottled water is a no-brainer, but it is a short-term fix.

We need to look beyond this emergency at ways we can shift these communities from vulnerable water sources like wells to more sustainable and resilient water systems.

We also need to take a close look at desalination and water recycling. These are two of the most promising technologies that may offer long-term solutions.

The bill identifies 26 desalination projects capable of producing more than 330,000 acre-feet of water.

It also identifies 105 recycling projects with the potential to produce about 854,000 acre-feet of water.

That is a total of 1.2 million acre-feet of clean water per year, enough for 2.4 million households.

But these projects aren't cheap. That is why the bill funds a loan-guarantee program and other financing mechanisms to help make these projects a reality.

Another area we should focus on is storage. This drought has showed that our reservoir capacity is insufficient.

Given the consensus that droughts will grow more severe, we have to increase how much water we can hold from wet to dry years.

The bill positions the Federal Government as a partner with California to build new reservoirs and expand existing reservoirs.

Conservation and groundwater recharge are two more promising areas. While cities and towns are doing their part, the bill also identifies areas where the Federal, state and local governments and the ag sector can do more.

Finally, the Federal Government can play a significant role in supporting research on promising technologies, from recapturing energy and improving membranes used in desalination to developing strategies to minimize environmental effects of smart-water strategies.

The bill also includes a number of short-term, low-cost proposals to protect and assist in the recovery of fish populations, including salmon and smelt.

This includes authorizations to implement the Endangered Species Act recovery plan for salmon; trap-and-barge fish and address predator species, two ways to reduce mortality rates; create additional spawning habitat for endangered and threatened species; and improving how water systems are managed using the latest science and technology.

The bill's short-term provisions build on legislation that unanimously passed the Senate in 2014, with added protections for environmental and water rights and the removal of several provisions to address environmental concerns.

The bill's short-term provisions will help move water efficiently to those areas where it is most needed.

Let me be clear—this language was carefully drafted to remain consistent with environmental laws, including the Endangered Species Act and the Clean Water Act, as well as all biological opinions.

Here are some examples of how the short-term section works.

First, by operating the water systems with more precision, we will be able to monitor for endangered species like the Delta Smelt and adjust pumping levels to avoid harming fish. By doing this, more water can be moved to the communities that need it while protecting endangered and threatened species.

The bill also directs agencies to open the Cross-Channel Gates on the Sacramento River during times when salmon are not migrating. This would allow thousands of acre feet of water to be moved without harming fish or water quality.

For water transfers in the Delta—where water sellers and buyers can help get water where it's needed—we included many additional protections. Every transfer will be reviewed to ensure it is consistent with environmental laws. The transfers, which can only occur in April and May, must include only additional water pumped into the Delta on top of the regular river flow.

Moving water more efficiently will help supply water to millions of Californians in urban areas, from Silicon Valley to Southern California.

It will also increase water allocations for family farms in the San Joaquin Valley. More than 15,000 small farms served by the Friant Water Authority—with an average size of just 83 acres—would benefit.

I have introduced many bills during my years in the Senate, and this may be the most difficult.

Nevertheless, the goal has remained constant: a bill that can get signed into law that benefits all regions of the State.

Congress worked together after Hurricanes Katrina ravaged the Gulf Coast and Hurricane Sandy devastated the East Coast.

I think we now have a bill that will help the West survive this historic drought.

I look forward to a committee hearing on this bill and to public input to make it even better.

By Mr. MCCAIN:

S. 1895. A bill to amend the Radiation Exposure Compensation Act for purposes of making claims under such Act based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I am pleased to introduce legislation that would amend the Radiation Exposure Compensation Act, RECA, by adding Mohave County, AZ, to the list of counties eligible for downwinder compensation. A similar proposal was introduced today by Congress PAUL GOSAR. I am hopeful this bill will help close a painful chapter for those Arizonans who were arguably the most affected by nuclear weapons testing during the Cold War.

In 1990, Congress enacted the Radiation Exposure Compensation Act to compensate victims or their survivors who suffered certain illnesses caused by fallout exposure ''down wind'' of atmospheric nuclear weapons testing during the 1950's and 1960's. Among other requirements, eligibility is limited to individuals who can prove their physical presence in one of several affected counties. Astonishingly, despite its close proximity to the Nevada Test Site, the original RECA law and its subsequent amendments never listed Mohave County proper as an affected area. I believe the people of Mohave County deserve to see righted this unjust policy which has obstructed their ability to qualify for compensation.

I understand that several of my colleagues have proposed similar RECA amendments in previous years. I would hope that these various RECA proposals give additional consideration to an April 2005 report by the National Academy of Sciences, NAS, that assessed, among other things, whether additional geographic areas should be added to the RECA program. The NAS study revealed a much wider area of radioactive fallout then originally identified when the RECA law was first written. The report also recommended replacing the geographic area criteria with a new science-based process for determining compensation eligibility, a method similar to what's used in the Radiation Exposed-Veterans Compensation Act and the Energy Employees Occupational Illness Compensation Program Act. I believe it is worthwhile for policy makers to consider the recommendations of the NAS report.

This bill is an expansion of the RECA program and thus I will be working with my colleagues to find funding offsets to ensure there is no net increase in government spending if this legislation were enacted. I encourage my colleagues to support this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 234—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. BLUNT submitted the following resolution; which was considered and agreed to:

S. RES. 234

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 250 additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 235—DESIGNATING SEPTEMBER 2015 AS ''NATIONAL SPINAL CORD INJURY AWARENESS MONTH''

Mr. RUBIO (for himself and Mr. NELSON) submitted the following resolution; which was considered and agreed to:

S. RES. 235

Whereas the estimated over 1,275,000 individuals in the United States who live with a spinal cord injury cost society billions of dollars in health care costs and lost wages;

Whereas an estimated 100,000 of those individuals are veterans who suffered a spinal cord injury while serving as members of the United States Armed Forces;

Whereas work-related accidents are the leading cause of spinal cord injuries;

Whereas motor vehicle crashes are the second leading cause of spinal cord injuries and traumatic brain injuries;

Whereas 70 percent of all spinal cord injuries that occur in children under the age of 18 are a result of a motor vehicle accident;

Whereas every 48 minutes a person will become paralyzed, underscoring the urgent need to develop new neuroprotection, pharmacological, and regeneration treatments to reduce, prevent, and reverse paralysis; and

Whereas increased education and investment in research are key factors in improving outcomes for victims of spinal cord injuries, improving the quality of life of victims, and ultimately curing paralysis: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2015 as ''National Spinal Cord Injury Awareness Month'';

(2) supports the goals and ideals of National Spinal Cord Injury Awareness Month;

(3) continues to support research to find better treatments and therapies, and a cure for spinal cord injuries;

(4) supports clinical trials for new therapies that offer promise and hope to individuals living with paralysis; and

(5) commends the dedication of national, regional, and local organizations, researchers, doctors, volunteers, and people across the United States that are working to improve the quality of life of people living with spinal cord injuries and their families.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 29, 2015, at 9:45 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 29, 2015, at 10:30 a.m., in room SR–253 of the Russell Senate Office Building to conduct a hearing entitled ''Wireless Broadband and the Future of Spectrum Policy.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 29, 2015, at 10:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on July 29, 2015, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 29, 2015, at 10 a.m., to conduct a hearing entitled ''The Joint Comprehensive Plan of Action.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on July 29, 2015, at 9 a.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''Reauthorizing the Higher Education Act: Combating Campus Sexual Assault.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 29, 2015, at 10 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on July 29, 2015, in room SD–628 of