

Resolved, That it is the sense of the Senate that—

(1) the congressional review provision under section 135 of the Atomic Energy Act of 1954 (42 U.S.C. 2160e), as added by section 2 of the Iran Nuclear Agreement Review Act of 2015 (Public Law 114-17), does not apply to the Joint Comprehensive Plan of Action announced on July 14, 2015, because the President failed to comply with the transmission to Congress provisions of such section 135;

(2) because the President did not transmit to Congress “all related materials and annexes” within five days of reaching agreement with Iran, the statutory congressional review provided for in such section 135 did not occur, at least not in the manner envisioned by the members of Congress who voted for Public Law 114-17;

(3) in light of the President’s failure to submit the entire “agreement with Iran relating to the nuclear program of Iran,” including side agreements, to Congress within five days, the congressional review provision of such section 135 by its own terms was not applicable to the partial agreement that the President submitted to Congress, known as the JCPOA, and therefore in order for the substance of what was submitted to Congress to become “the supreme Law of the Land” pursuant to Article VI, clause 2 of the Constitution, it would need to be either treated by the Senate as a treaty “provided two thirds of the Senators present concur” pursuant to Article II, section 2, clause 2 of the Constitution, or Congress would need to enact new implementing legislation that supersedes the mandatory statutory sanctions that the JCPOA purports to supersede;

(4) the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA), section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), the Iran Freedom and Counter-Proliferation Act of 2012 (IFCA), and the Iran Threat Reduction and Syria Human Rights Act of 2012 (TRA) remain “the supreme Law of the Land” unless and until a Senate-ratified treaty or duly enacted statute repeals or otherwise supersedes them and becomes “the supreme Law of the Land” pursuant to Article VI, clause 2 of the Constitution; and

(5) the Senate, which has the power to consent to treaties under Article II, section 2, clause 2 of the Constitution, has not and does not consent to the JCPOA, which is therefore not “the supreme Law of the Land,” and the President therefore has a constitutional duty to ensure that the Iran sanctions laws, including CISADA, section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), IFCA, and TRA, continue to be faithfully executed.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2649. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, amending 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; which was ordered to lie on the table.

SA 2650. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, supra; which was ordered to lie on the table.

SA 2651. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, supra; which was ordered to lie on the table.

SA 2652. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, supra; which was ordered to lie on the table.

SA 2653. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, supra; which was ordered to lie on the table.

SA 2654. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, supra; which was ordered to lie on the table.

SA 2655. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2649. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, amending 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; which was ordered to lie on the table; as follows:

At the end, add the following:
This Act shall become effective 14 days after enactment.

SA 2650. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, amending 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; which was ordered to lie on the table; as follows:

In the amendment, strike “14 days” and insert “13 days”.

SA 2651. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, amending 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; which was ordered to lie on the table; as follows:

At the end, add the following:
This Act shall become effective 12 days after enactment.

SA 2652. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, amending 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; which was ordered to lie on the table; as follows:

In the amendment, strike “12 days” and insert “11 days”.

SA 2653. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, amending 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; which was ordered to lie on the table; as follows:

At the end, add the following:
This Act shall become effective 10 days after enactment.

SA 2654. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, amending 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; which was ordered to lie on the table; as follows:

In the amendment, strike “10 days” and insert “9 days”.

SA 2655. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 61, amending 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; which was ordered to lie on the table; as follows:

In the amendment, strike “9” and insert “8”.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER. Mr. President, I would like to announce that the Committee on Health, Education, Labor, and Pensions will meet during the session of the Senate on September 16, 2015, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled “Achieving the Promise of Health Information Technology: Improving Care Through Patient Access to Their Records.”

For further information regarding this meeting, please contact Jamie Garden of the committee staff on (202) 224-7675.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER. Mr. President, I would like to announce that the Committee on Health, Education, Labor,

and Pensions will meet during the session of the Senate on September 17, 2015, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled “Biosimilar Implementation: A Progress Report from FDA.”

For further information regarding this meeting, please contact Jamie Garden of the committee staff on (202) 224-7675.

PRIVILEGES OF THE FLOOR

Mr. KING. Mr. President, I ask unanimous consent that Jon Greenert, a military fellow in my office, be granted floor privileges for the remainder of this Congress and for the debate today.

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

PROVIDING FOR THE EXTENSION OF THE ENFORCEMENT INSTRUCTION ON SUPERVISION REQUIREMENTS FOR OUTPATIENT THERAPEUTIC SERVICES IN CRITICAL ACCESS AND SMALL RURAL HOSPITALS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 188, S. 1461.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1461) to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2015.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 1461

SECTION 1. EXTENSION OF ENFORCEMENT INSTRUCTION ON SUPERVISION REQUIREMENTS FOR OUTPATIENT THERAPEUTIC SERVICES IN CRITICAL ACCESS AND SMALL RURAL HOSPITALS THROUGH 2015.

Section 1 of Public Law 113-198 is amended—
(1) in the section heading, by inserting “AND 2015” after “2014”; and

(2) by striking “calendar year 2014” and inserting “calendar years 2014 and 2015”.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1461), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

DISTRICT OF COLUMBIA COURTS, PUBLIC DEFENDER SERVICE, AND COURT SERVICES AND OFFENDER SUPERVISION AGENCY ACT OF 2015

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 190, S. 1629.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1629) to revise certain authorities of the District of Columbia courts, the Court Services and Offender Supervision Agency for the District of Columbia, and the Public Defender Service for the District of Columbia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. MURKOWSKI. Mr. President, I further ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (S. 1629) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1629

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 “District of Columbia Courts, Public Defender Service, and Court Services and Offender Supervision Agency Act of 2015”.

SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.

(a) AUTHORIZATION TO COLLECT DEBTS AND ERRONEOUS PAYMENTS FROM EMPLOYEES.—

(1) IN GENERAL.—Subchapter II of chapter 17 of title 11, District of Columbia Official Code, is amended by adding at the end the following:

“§ 11-1733. Collection, compromise, and waiver of employee debts and erroneous payments

“(a) COLLECTION OF DEBTS AND ERRONEOUS PAYMENTS MADE TO EMPLOYEES.—

“(1) AUTHORITY TO COLLECT.—If the Executive Officer determines that an employee or former employee of the District of Columbia Courts is indebted to the District of Columbia Courts because of an erroneous payment made to or on behalf of the employee or former employee, or any other debt, the Executive Officer may collect the amount of the debt in accordance with this subsection.

“(2) TIMING OF COLLECTION.—The Executive Officer may collect a debt from an employee under this subsection in monthly installments or at officially established regular pay period intervals, by deduction in reasonable amounts from the current pay of the employee.

“(3) SOURCE OF DEDUCTIONS.—The Executive Officer may make a deduction under paragraph (2) from any wages, salary, compensation, remuneration for services, or other authorized pay, including incentive pay, back pay, and lump sum leave payments, but not including retirement pay.

“(4) LIMIT ON AMOUNT.—In making deductions under paragraph (2) with respect to an employee, the Executive Officer—

“(A) except as provided in subparagraph (B), may not deduct more than 20 percent of

the disposable pay of the employee for any period; and

“(B) upon consent of the employee, may deduct more than 20 percent of the disposable pay of the employee for any period.

“(5) COLLECTIONS AFTER EMPLOYMENT.—If the employment of an employee ends before the Executive Officer completes the collection of the amount of the employee’s debt under this subsection, deductions may be made—

“(A) from later non-periodic government payments of any nature due the former employee, except retirement pay; and

“(B) without regard to the limit under paragraph (4)(A).

“(b) NOTICE AND HEARING REQUIRED.—

“(1) IN GENERAL.—Except as provided in paragraph (3), prior to initiating any proceeding under subsection (a) to collect any debt from an individual, the Executive Officer shall provide the individual with—

“(A) written notice, not later than 30 days before the date on which the Executive Officer initiates the proceeding, that informs the individual of—

“(i) the nature and amount of the debt determined by the District of Columbia Courts to be due;

“(ii) the intention of the Courts to initiate a proceeding to collect the debt through deductions from pay; and

“(iii) an explanation of the rights of the individual under this section;

“(B) an opportunity to inspect and copy Court records relating to the debt;

“(C) an opportunity to enter into a written agreement with the Courts, under terms agreeable to the Executive Officer, to establish a schedule for the repayment of the debt; and

“(D) an opportunity for a hearing in accordance with paragraph (2) on the determination of the Courts—

“(i) concerning the existence or amount of the debt; and

“(ii) in the case of an individual whose repayment schedule is established other than by a written agreement under subparagraph (C), concerning the terms of the repayment schedule.

“(2) PROCEDURES FOR HEARINGS.—

“(A) AVAILABILITY OF HEARING UPON REQUEST.—Except as provided in paragraph (3), the Executive Officer shall provide a hearing under this paragraph if an individual, not later than 15 days after the date on which the individual receives a notice under paragraph (1)(A), and in accordance with any procedures that the Executive Officer prescribes, files a petition requesting the hearing.

“(B) BASIS FOR HEARING.—A hearing under this paragraph shall be on the written submissions unless the hearing officer determines that the existence or amount of the debt—

“(i) turns on an issue of credibility or veracity; or

“(ii) cannot be resolved by a review of the documentary evidence.

“(C) STAY OF COLLECTION PROCEEDINGS.—The timely filing of a petition for a hearing under subparagraph (A) shall stay the commencement of collection proceedings under this section.

“(D) INDEPENDENT OFFICER.—An independent hearing officer appointed in accordance with regulations promulgated under subsection (e) shall conduct a hearing under this paragraph.

“(E) DEADLINE FOR DECISION.—The hearing officer shall issue a final decision regarding the questions covered by the hearing at the earliest practicable date, and not later than 60 days after the date of the hearing.