

ideology, he displayed courage by expanding health coverage for tens of thousands of Nevadans.

I hope my friend and fellow Senator from Nevada will follow our Governor's example and stand for our constituents' health care. Too few Republicans will. If ObamaCare is so awful, why are Republicans from Kentucky, Wyoming, North Dakota, and New Hampshire so eager to use it? It is simple: The Affordable Care Act expands coverage and cuts costs. It is good for the States. That is why Arizona expanded Medicaid. It is insuring hundreds of thousands of Arizonans, as we talk now.

I was disappointed with my friend. We served together, we came to the House together, we came to the Senate together, and he is the senior Senator from Arizona. He made it clear that he will vote for repeal, in spite of all the people benefiting from ObamaCare back home. This is what JOHN MCCAIN said: "Obviously the Governor and Legislature in my state decided that they wanted that program and so it is going to trouble me in the vote." The senior Senator from Arizona acknowledged that he is casting a vote in direct opposition to the needs of the people of Arizona.

So if Republicans aren't listening to their constituents or State leaders, to whom are they listening? As always, the answer is corporations. Billion-dollar companies have no trouble getting congressional Republicans to do their bidding. Even as they try to snatch health coverage from 17 million Americans, Republicans are throwing money at corporations. That is what they plan to do with the money saved by repealing the Affordable Care Act. They will hand it over to corporations in the form of tax breaks.

I have news for my own Republican friends: These multibillion-dollar companies don't need your help. They are doing just fine on their own. The American middle class needs help, but this Republican Congress is doing nothing to aid working families. Why are we here if we are not here to help people back home?

When Republican Presidential candidate John Kasich—somebody whom I came to the House with in 1982—was asked earlier this year why he chose to expand Medicaid in the State of Ohio, he gave this remarkable answer:

When you die and get to the meeting with St. Peter, he's probably not going to ask you much about what you did about keeping government small. But he is going to ask you what you did for the poor. You better have a good answer.

That is from John Kasich. He is right. This is an opportunity to help unfortunate Americans who lack quality health insurance. I only wish Governor Kasich could convince the junior Senator from Ohio of that simple truth.

I say to my Republican friends: Do the right thing; stop this nonsense about repeal of ObamaCare. Everyone knows this repeal of the Affordable

Care Act is going nowhere. Instead of wasting everyone's time and instead of ignoring the wishes of the people back home, let's work together to improve health care coverage. There are a lot of things we can do by working together to improve health care coverage for Americans. Let's move beyond repeal and start making the Affordable Care Act work even better for the American people.

Would the Chair announce the business of the Senate today.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROUNDS). 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 senior assistant legislative clerk read as follows:

A bill (H.R. 3762) to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

Pending:

McConnell amendment No. 2874, in the nature of a substitute.

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.

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.

Mr. REID. Mr. President, if I could interrupt and apologize for that, I ask unanimous consent that the time in quorums called by the Chair be divided equally between the majority and minority.

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

Under the previous order, the time until 1:30 p.m. will be equally divided in the usual form.

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

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

#### CRIMINAL JUSTICE REFORM

Mr. CORNYN. Mr. President, this morning I will be joining—at the President's invitation—a bipartisan group of Congressmen and Senators to discuss the need for criminal justice reform in the country. I am actually very glad

the President has shown such an interest in this topic, one we have been working on in the Congress for a number of years.

I have said it before and I will say it again, I don't agree with the President on a lot of things, perhaps most things, but I am glad to know he is making this issue a priority. I think it is one of those rare, magical moments where you see things coming together on a bipartisan basis across the political spectrum, where we can actually make some real progress that will benefit the American people and make our criminal justice system fairer and more effective.

Of course, in the Senate, a diverse bipartisan group has shared this concern for a very long time. While I appreciate the President's vocal support and for convening the group to discuss it this morning, I want to make it clear that this legislation has been years in the making. Actually, the impetus for the part I contributed to the bill emanated from a 2007 experiment in Texas in prison reform. That legislation has manifested itself in the Senate and is now called the Sentencing Reform and Corrections Act of 2015. It is a result of a lot of hard work and some compromise, which is the only way things actually get done around here in order to build a bipartisan consensus, and it brings targeted and much needed reforms to the Federal justice system.

I am very glad to be able to join with the junior Senator from Rhode Island, somebody, again, who is probably at the opposite end of the political spectrum from me in terms of ideology, but we have found common ground on this important prison reform component.

Most prisoners will eventually be released into society, which is something we have forgotten. Unfortunately, our prisons have too often become warehouses for human beings, and we have forgotten the reality that many of them will be released back into society. Yet we have done very little to help prepare them to successfully reenter society rather than get into that turnstile that sometimes characterizes our criminal justice system and many end up right back in prison again. We can't save everybody, but I believe we can offer an opportunity for some who want to save themselves to improve themselves and be better prepared to reenter society as productive individuals.

As I said, this reform was based on an experiment in Texas starting back in 2007. People perhaps think of Texas as being tough on crime, and indeed we are, but we finally realized we also have to be smart on crime. Prisons cost money. Every time somebody reoffends and ends up back in the prison system, we have to pay the salaries of prosecutors, public defenders, judges, and others, and that is expensive. If we can find a way to be fiscally more responsible and actually be more effective when it comes to the results, we ought

to grab that opportunity. I happen to think it represents the way we ought to legislate here in Washington, DC, that is based on successful experiments in the States.

It is no coincidence that Louis Brandeis once called the States the laboratories of democracy, but it represents the opposite of what we have seen here in Washington, DC, when, for example, in ObamaCare the President decides we are going to take over one-sixth of the U.S. economy and we are going to mandate from Washington a one-size-fits-all approach for 320 million or so Americans. It just doesn't work, as we have documented time and time again on the floor.

I am optimistic we have found an area where we can work with the President and move this legislation forward. I ask that the President roll up his sleeves and work with us, along with the Democrats and both Houses of Congress, so we can make this criminal justice reform a reality.

Mr. President, I mentioned ObamaCare. That is my second topic for today.

This afternoon we will keep a promise we made to the American people that we will vote to repeal ObamaCare. ObamaCare—were this legislation signed into law—could not sustain this mortal wound that is going to be inflicted this afternoon. Are we doing this for partisan reasons? I would say, no, absolutely not. What we are doing is listening to our constituents who told us that they have had one bad experience after another with ObamaCare. They have been forced by the Federal Government to buy coverage that they don't want, don't need, and can't afford. So we proposed to send a bill to the President that would repeal ObamaCare and then replace it with affordable coverage that people actually want. We made it clear to the American people that if they gave us the privilege of leading in the Congress, we would keep this promise, and we will fulfill that promise in the Senate today.

I remember voting at 7 a.m. on Christmas Eve in 2009, when 60 Democrats voted to jam ObamaCare down the throats of the American people. They made promise after promise. The President himself said: If you like what you have, you can keep it. That proved not to be true. The President said a family of four would see an average reduction in their premium cost by \$2,500, and that wasn't true.

So as somebody who has spent a little bit of time in law enforcement as a former attorney general in my State, I would call this a deceptive trade practice. This is defrauding the American people, selling them a product based on a set of promises that ends up not being true.

I believe it is time to repeal this bad law and to replace it with something that people want and that they can afford.

My State has been hit hard, as all States have been, including the State

of the Presiding Officer, by the effects of ObamaCare. Almost every day we read news accounts of escalating health care costs, including premiums and fewer choices and options and less access for our constituents.

Just recently, the Houston Chronicle reported that next year the Houston-area patients won't have access to any plans on the ObamaCare exchange that cover costs at MD Anderson, the premier cancer-treating facility in America. If we can't buy insurance to cover catastrophic events like cancer at the hospital of our choice, what good is it?

As a matter of fact, I remember our former colleague, Senator Tom Coburn from Oklahoma, who has used up most of his nine lives, but he has experienced cancer at least three times, to my recollection, and he actually was seeking treatment at MD Anderson. He said that as a result of ObamaCare, he could no longer get coverage from the insurance policy he had because MD Anderson wasn't an acceptable provider under the ObamaCare policy.

So today I will provide a very quick snapshot of the thousands of letters I have received, and I am sure they are typical of the letters we have all received from our constituents about the problems they have encountered with ObamaCare.

One of my constituents recently wrote to me to tell me her story, and it is similar to the narrative I have heard from many others. Her insurance plan was canceled last fall because it didn't meet the mandates of ObamaCare. As a result, she had to switch to a more expensive policy, one with a higher monthly payment and an \$11,000 deductible. What good is it to have an insurance policy with an \$11,000 deductible? How many Americans can self-insure and pay that bill so that they can take advantage of what limited coverage they actually have under such a policy?

She went on to say that she was notified that her plan would once again be terminated for the next year, and her monthly costs would go up again as a result. To top it off, she would end up losing her primary care provider. In other words, the doctor she preferred would no longer be available to her under this new policy that she would be forced to buy at a higher price.

She is like a lot of folks around the country—full of questions and frustrations and seemingly nowhere to turn to find any relief for her spouse, for her children, or for their small business.

This particular constituent implored me and Congress to do something about it. She said: "Senator CORNYN, this has caused turmoil throughout Texas . . . we are terrorized in our own country by the so-called benefit of the Affordable Care Act." Those are her words, not mine. She said her family was terrorized by ObamaCare.

The strong message she conveyed is not all that different from what I have heard from other people. Another constituent raised a similar issue. He is

now, for the third time in as many years, searching for yet another health insurance plan after his was canceled. He went on to highlight another theme that is impossible to miss when I talk to folks back home about this topic. He said:

I seem to remember the President saying something about liking your insurance and being able to keep it? For myself and my family it's been just the opposite. We loved our insurance prior to the passage of the act and have since been forced to purchase much more expensive insurance with much higher deductibles.

Well, he is right. And in just a few hours we are going to have a chance to vote on the Johnson amendment to this legislation we are considering, which is an "If you like it, you can keep it" amendment, to keep that guarantee. We will see how our friends on the other side of the aisle vote, who forced this flawed legislation down the throats of the American people, based on this experience.

Just like many other Texans, the people I have talked about back home have seen their premiums and their deductibles skyrocket to unaffordable levels. Along with this anemic economy and flat wages, people have found themselves with less and less money in their pockets and found themselves with a decreased and diminished standard of living, which has caused a lot of frustration.

This particular constituent ended his letter to me by asking the Members of Congress to "do anything within your power to reverse this terrible healthcare trend. . . . I need relief," he said.

We have reached a pretty scary time in our Nation's history when we have Americans writing and calling their elected representatives saying they need relief from their own government. The threat is not outside; people are being threatened by their own government and the overreach they see and the negative impact it has on their quality of life and their standard of living.

So we have a duty now—we have a mandate, I believe—to repeal this terrible law and to make it a relic of the past, and we are going to do our duty. We are going to keep our promise to the American people today.

There was an outcry from my constituents back home on another topic that gripped our attention—the horrific videos released showing Planned Parenthood executives callously discussing the harvesting of organs from unborn children. We seem to have forgotten those terrible videos and what they have depicted.

This bill will also do something to defend Planned Parenthood and redirect those funds to the many community health centers that exist in Texas and across the country that day in and day out diligently provide health care to people in my State and around the country. There will be no less money directed toward public health care; it

will be redirected away from Planned Parenthood and to the community health centers.

By the way, there are a whole lot more community health centers, so there will actually be improved access for most Americans at community health centers.

By repealing ObamaCare, we are doing more than just delivering on a promise; we are providing a way forward for millions of Americans around this country who have been hurt—not helped but hurt—by ObamaCare. We will do our best to help them find some relief, as one of my constituents whom I just quoted implored.

We look forward to passing this legislation to scrap ObamaCare and to bring this country one step closer to making it history.

Again, this isn't just about repealing ObamaCare; this is about replacing it with coverage that people want and that suits their personal needs at a price they can afford. One would have thought that health care reform would be about making health care more affordable, but, in fact, ObamaCare was just the opposite. It made it more expensive and less affordable, as we have seen and as I have tried to point out in my remarks.

I don't see any other Senator seeking recognition, so 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. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### TRAGEDY IN SAN BERNARDINO

Mrs. BOXER. Mr. President, when I woke up this morning, I had hoped that yesterday's tragedy in San Bernardino was just an unimaginable nightmare. Then, as I usually do in the morning, I went through the clips from my State and I read the headlines:

"Bloodbath in San Bernardino."

"14 slain at California office party."

"Carnage in California."

"Shooting Rampage Sows Terror in California."

"At Least 14 Dead in Mass Shooting."

"Deadly rampage at holiday party."

"A Day of Horror."

"Horror Hits Home."

"Horrific." Just one word.

"Masked Mass Murder."

These are papers all over my State and a couple of national headlines.

My heart is broken after this rampage that led to the tragic loss of life, so many injuries, so much trauma and pain for the people of San Bernardino.

I thank the medical personnel who are working as we speak to save lives and all the brave, courageous law enforcement officers who rushed to the scene and later stopped these killers.

We know the victims in this attack were county employees at the San

Bernardino Department of Public Health. I began my career as a county supervisor, and I oversaw in Marin County the Department of Public Health. I know how dedicated those county employees are. They are right there. They are right there in the communities. And the facility was dedicated to helping disabled people. So for this to happen at a holiday party where these employees were gathering in friendship—it is a stunning shock.

While details about the motive behind this despicable attack are still unknown, here is what we do know: Because these killers used military-style weapons, 14 people died and 17 people were wounded in a matter of minutes.

The purpose of these guns, these military-style guns, is to kill a lot of people very fast. The scene looked like a war zone, and there is a reason for that—again, because these weapons are designed for the military. They are designed for the police.

I have to be honest with my colleagues: I have never heard one persuasive argument about why anyone else would need to have this type of weapon. These weapons of war just don't belong on our streets and in our communities. My colleague Senator FEINSTEIN for years has been pushing sensible legislation that would keep these military-style weapons off our streets. We need to stand with her. We need to stand with her across party lines and pass it.

It is so discouraging that we can't even pass legislation here that would keep suspected terrorists who are on the no-fly list from legally buying a weapon—any kind of a weapon.

It isn't enough for us to keep lamenting these tragedies; we need to take action now, before something else like this happens again in the Presiding Officer's State, in my State. When we take an oath of office, we swear that we will protect and defend the American people. I just don't think we are protecting them when we allow these types of weapons to get into the wrong hands.

This year we are averaging more than one mass shooting every single day—multiple people killed by guns, innocent people, every day. This is America. This doesn't happen in other industrialized nations. Thirty-one people die every day from gun violence. After 10 years of the Vietnam war, we lost nearly 60,000 Americans, and people were in despair. We lose more than that in gun violence in less than 2 years in this great Nation. If there were anything else that caused the death of 30,000 Americans a year, every single Senator would be in their chair and we would be demanding action and we would be crossing over party lines to stop it because that, my friends, is an epidemic.

People deserve to feel safe in their communities. I don't understand it. They deserve to feel safe when they go to a holiday party at work. They deserve to be safe sitting in these gal-

leries. They deserve to be safe going to a movie theater. They deserve to be safe in their school when they are 6 years old or 16 or 26. They deserve to be safe in their workplace, at a shopping mall, at a restaurant, and at a health care clinic.

This is our job, to keep our people safe. We know the threats that face us abroad, and we have threats at home. So we need to do both. We need to protect our people abroad from threats abroad and from threats at home. The very best way to honor the victims of gun violence is to take sensible steps that are supported by the American people, such as universal background checks, safety features on guns, keeping assault weapons in the hands of our military and our police, and keeping guns out of the hands of people who are unbalanced, unstable, criminals. Then we can prevent these tragedies.

Will we prevent every tragedy? No. I know my friends will say: Well, someone can have a knife. Yes. It is a lot easier to get away from a knife than an automatic weapon that mows you down before you can even look up and figure out what is happening.

I am crying out today for support for sensible gun laws, and regardless of motive—regardless of motive—we need to make sure that military weapons belong in the hands of the military and the police. It is pretty straightforward. Our people are not safe. I don't care what State you look at, I don't care what city you look at, I don't care what county you look at.

San Bernardino is a beautiful place. I don't live far from there. I have an office about 15 minutes or less from there. People deserve to feel safe in our communities. So I send my love, my prayers, my solidarity to the community, to the families, to the first responders, and to everyone there. Yes, we are going to pull together, as all these communities do, but we need to prevent these things from happening because if we don't, we are liable.

I believe we are liable. We know what is killing people every day. It is gun violence, and we know it. I am not a lawyer, but I have a lot of family members who are lawyers—my son is, my father was, my husband is—and I think once you know something is happening and you can do something about it and you don't do something about it, you are liable—maybe not in a legal sense, but in a moral sense.

So I hope we can come together around this. Every time the press comes in and asks me, tragedy after tragedy after tragedy: Will something happen now? After Sandy Hook, I said: Absolutely. We are going to come together. We did not. We did not.

I want to close with this. In California we have tough gun laws. I don't know how these weapons got where they were. We will find out. People say: Well, we have these gun laws. Look at this; we have had a 56 percent reduction of gun violence since 1993 in my great State because we have taken action. But this is one Nation under God.

If somebody comes from a nearby State, from the North, from the East, and they have a gun—that is why it is so important for us to work together to have sensible national laws and universal background checks. Almost 90 percent of the people support it. The majority of NRA members support it. What is wrong with us that we can't do that? What are we afraid of?

These military assault-style weapons kill so fast—and so many people. We should make sure they are in the hands of the military and the police.

My heart is heavy and will remain so. This is supposed to be a great day for a lot of us who worked so long and hard on the highway bill. This was a moment we were waiting for, and that is what life's about. You know, there are these moments that you savor, and there are moments that you wish to God you never had to talk about or experience. That is the kind of day it is for this particular Senator, and I know Senator FEINSTEIN feels the same way.

I thank you very much, and I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I rise today to discuss an amendment I filed to the reconciliation bill, amendment No. 2887, to strengthen Pell grants.

This amendment provides middle-class families with the kind of stable funding source that they can rely on when it comes to paying for college. Pell grants have historically been the key investment in helping low-income students pay for college. Most of my colleagues would agree that a good education is one of the surest paths to the middle class.

In 1980, the maximum Federal Pell grant covered about 77 percent of in-state, 4-year college tuition. Now Pell grants account for only one-third of those costs. Rising college costs prevent many low-income students, no matter how hard they work, from being able to go to college and thus from reaching the middle class.

If the Senate can accomplish one thing that invests in our Nation's future, it should be to enact policies that help to stabilize and expand the middle class. We all know there is a growing income disparity in our country that is whittling down our middle class and making it harder and harder for people to get ahead in the first place. Key to the path forward for many is college affordability. Pell grants are a critical part of college affordability.

Almost half of all college students in the United States receive Pell grants to help fund their education, including 23,000 students in my home State of Hawaii. Unfortunately, Pell grants—the largest Federal student aid program—which are primarily funded by discretionary, not mandatory, funding appropriations, do not provide the kind of stable funding source that families can rely upon. Each year Congress in its discretion determines how much funding goes to Pell grants. This

should change. Federal financial aid should be a resource that students and their families can count on, that they can plan around.

To that end, the amendment I filed would do two things. First, it would convert the Pell Grant Program from the discretionary side of the budget to the mandatory side of the budget for 5 years. That way, eligible families won't have to worry each year about congressional appropriations, at least for 5 years, and they can plan their financing for an entire 4-year degree. Second, my amendment would index Pell grants annually for inflation. That means that as college costs rise, so, too, will they allow Federal aid to low-income students.

Students and their families should have confidence that if they commit to earning an education, Federal support will be there for their hard work. My amendment would give them that stability.

This amendment is paid for by closing tax loopholes for corporate executives and hedge fund managers and by instituting the Buffett rule, to ensure that Americans who earn over \$1 million per year pay their fair share of taxes—tax fairness from those who earn more in a year than many college graduates may earn in their lifetimes.

To give a hand-up to the next generation of strivers is more than reasonable to me. Access to educational opportunity is not a handout. Graduates will still have to work hard to get good jobs, start businesses, and succeed, and when they succeed, our country succeeds.

I urge my colleagues to support my amendment to stabilize and strengthen the middle class and to invest in our next generation of leaders.

The amendment to the underlying bill would improve it, but the underlying bill is deeply flawed. The underlying bill before us would take away health care access for millions of women, seniors, and low-income working people by gutting the Affordable Care Act, defunding Planned Parenthood, and undermining investment and prevention and research. The resultant harm to our people is a poison pill that we cannot impose on American families. This Republican bill, which does little for the middle class and working people, will be vetoed by the President. The Republicans know this, and yet they are bound and determined to pass this harmful legislation as soon and as fast as possible.

I ask my colleagues to stop, pause, and get our country back on track by supporting and strengthening the middle class, by giving a hand-up to the people who represent our country's future, and by not yanking the rug out from under the millions of Americans who rely on health care.

I yield back.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, a few months ago I asked my Republican col-

leagues if they had fallen down, hit their heads, and thought they woke up in the 1950s. Today I am back to check on my Republican colleagues because it appears they are suffering from a serious case of memory loss.

Before I call the doctors at Mass General, I have to say this really isn't a joke. I truly, honestly cannot come up with a better reason why my Republican colleagues have forced us back to the Senate floor once again to talk about another reckless scheme to defund Planned Parenthood. What is with you guys?

Remember this summer? Republicans launched a deliberate, orchestrated plan to defund women's health care centers. Let me just clarify. This was not a plan to defund abortions because for nearly 40 years the Federal Government has prohibited Federal funding for abortion. Nope. The plan was to defund Planned Parenthood health care centers that nearly 2.7 million people use every year, health care centers that one in five women across America has used for cancer screenings, pregnancy and STD tests, birth control, and other basic medical care.

To a lot of women and to a lot of men, the effort to defund Planned Parenthood health care centers was an overt attack on women's access to needed and legal health care. When the Republicans forced the Senate to vote on a bill to defund Planned Parenthood, it failed—and rightly so. That should have been the end of it, but Republican extremists just won't quit. In fact, they are doubling down.

Today Senate Republicans will use a special maneuver to hold another vote to defund Planned Parenthood, this time needing only 50 votes to pass instead of the usual 60. Even if they pass this reconciliation bill, President Obama has said he will veto it, but some Republican extremists vow to press on, using the most extreme tactics possible, taking the government hostage. They want to attach a rider to the government funding bill and threaten to shut down the government 10 days from now unless the Democrats agree to defund Planned Parenthood. Does that sound familiar? Well, that is because it is the very same tactic used in 2013 when Republicans shut down the government over the Affordable Care Act and flushed \$24 billion down the drain—the very same tactic that former Speaker John Boehner admitted was a “predictable disaster.”

Republicans may like playing politics with Planned Parenthood, but this isn't a game for the millions of women who depend on Planned Parenthood for basic medical care every year and who have nowhere else to go. Threatening to shut down the government is certainly not a game. It is not a game for cancer patients who could be turned away from clinical trials at NIH. It is not a game for small businesses that depend on our national parks being open for tourist visits. It is not a game for seniors who need their Medicare paperwork processed or for the veterans

whose benefits could be at risk, and it is not a game for the hundreds of thousands of Federal employees across this country—from park rangers to scientists to cafeteria workers and janitors at government buildings—who could be sent home 2 weeks before Christmas with no paycheck coming in.

This radical assault on women's health care and reproductive rights has gone on long enough. So in case my Republican colleagues are suffering from short-term memory loss, let me spell this out again loud and clear. We will not allow you to turn back the clock on women's health and women's rights. If you try to sneak provisions into the government funding bill to defund Planned Parenthood, we will fight you every step of the way, and we will win. That is not a threat; that is a promise.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I rise this morning in opposition to the reconciliation bill that we are considering today. There are a number of reasons I have concerns, but one of the most important has to do with its repeal of the Affordable Care Act. The Affordable Care Act, while it is not perfect, is working. More Americans than ever before have access to health care.

In New Hampshire, almost 45,000 people have received health insurance through the exchange. Most of those people did not have health care coverage before the Affordable Care Act, and the majority of these people are getting insurance premium support to make it more affordable.

In New Hampshire, another 44,000 people are getting coverage through Medicaid expansion. The Governor and the State legislature worked long and hard to come to a bipartisan agreement—a Democratic Governor and a Republican legislature—on how to expand Medicaid in a way that works for New Hampshire. The reconciliation bill that we are considering today would turn back the clock on all of that work. It would repeal Medicaid expansion, and it would eliminate coverage for so many of the people who need it the most.

In short, this bill would wreak havoc on the lives of families and individuals, people such as Deborah from Conway, NH. She and her husband own a small business. They work hard, and they live within their means. But for 17 years, they have been without health insurance, and they have had to forego health care services because of costs.

As a result of Medicaid expansion, Deborah was recently able to go to the doctor for her first physical in 18 years. Imagine that; it was her first physical in 18 years. During that exam, she discovered that she has high blood pressure and that she is at risk for cancer. Thanks to the Affordable Care Act, she is able to take the preventive measures. She expects to live a long,

healthy life and is probably going to save money because she has received this preventive care. We cannot turn our backs on people such as Deborah and her family.

Finally, the reconciliation bill would defund Planned Parenthood, which would deny access to 12,000 women in New Hampshire access to health care providers they trust and to services they need. For many of those women, Planned Parenthood is the easiest, most affordable, and best way for them, and—in many cases—the only way for them to get the care they need. I proudly stand with the millions of women who rely on Planned Parenthood, and I will continue to oppose any attempt to defund such an important component of our health care system.

While I remain gravely concerned about the underlying bill, I am pleased to join Senators WYDEN and MURRAY today in offering an amendment to address an issue that is vitally important to New Hampshire, to northern New England, and to much of the country, and that is this epidemic of heroin and opioid abuse.

In New Hampshire and across this country, drug abuse has reached epidemic proportions. Each day 120 Americans die of drug overdoses. That is two deaths every hour.

In New Hampshire we are losing a person a day due to drug overdoses. Drug overdose deaths have exceeded car crashes as the No. 1 cause of fatalities in the United States. We just had a report come out that shows that for the first time in years, the lifespan of White Americans is going down. It is going down for one reason that was cited, and that is because of drug overdoses. Mental health illness and drug abuse is a national public health emergency, and it is time for us to act.

What the amendment we are offering will do is to take important steps to provide critical resources for the prevention, intervention, and treatment of mental illness and substance abuse disorders. The amendment will ensure that any health insurance plan purchased on the exchange is held to mental health parity and addiction equity standards, and it will make it easy for consumers to know what benefits are covered and the insurance plan's denial records.

Importantly, the amendment makes it easier for patients to receive medication-assisted treatment drugs—drugs such as methadone, naltrexone and naloxone, commonly known as Narcan, and it prohibits lifetime limits on those drugs.

Our amendment also strengthens Medicaid coverage of services to prevent and treat mental illness and substance abuse disorders. Again, not only do we have this epidemic, but we don't have enough treatment beds, we don't have enough treatment facilities, and we don't have enough providers to assist and support those people who are trying to get clean. For years, Medicaid has been prohibited from reim-

bursing medically necessary care to patients in residential or treatment facilities with more than 16 beds.

Historically, this has been a barrier for patients who need these treatments for drug abuse and who have limited access to that treatment. Our amendment would enable more people to receive these services by allowing reimbursement for these facilities in States that have expanded Medicaid, such as New Hampshire. The amendment will also provide additional Medicaid Federal funding to help States provide community treatment programs and health homes for those in need of help.

Finally, this amendment provides over \$15 billion of needed funding to States and municipalities to help address the public health emergency in those States and communities that are the frontlines of this crisis.

Through the substance abuse prevention and treatment block grants and the community mental health service block grants, this service is targeted to those most at risk for substance abuse and mental illness, giving the States flexibility to develop and fund programs that work best for them. This prevention, intervention, and treatment of substance abuse and mental health disorders have the potential to make the difference in millions of lives.

The amendment is fully paid for by closing tax loopholes. With the tools provided in this amendment, we can change the lives of those struggling with mental illness and substance abuse disorders, and we can turn the tide of this national public health epidemic.

I thank you all, and I hope that as we consider this reconciliation bill, we will have the opportunity to vote on this amendment and that there would be support to address the critical crisis we are facing because of heroin and opioid abuse.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SULLIVAN. 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. SULLIVAN. Madam President, I am going to take a few minutes to talk about the reconciliation bill that we are discussing and debating on the Senate floor this week, particularly the focus on repealing the Affordable Care Act, or what is called ObamaCare. There are many, many aspects of the bill that we are debating—the individual mandate, the Cadillac tax, the employer mandate. These will all be gone. Essentially, we will start the process of what I believe the vast majority of Americans want, which is real, affordable health care, not what we currently have.

I was recently home in Anchorage, AK. A lot of us get a sense of what our

constituents are feeling by going about doing our basic chores and running errands when we are back home. Two weeks ago, in the course of 2 hours of getting gas, at a grocery store, and at Lowe's, I had three different Alaskans come up to me and plead to do something about ObamaCare, how it was wiping out their home income and their small business—three in 2 hours.

Similarly, I was in Fairbanks a few days ago and heard from another small business owner. They made the same plea that many small business owners I have heard from in Alaska have talked about. They have had health insurance for their employees for years where they have taken care of them. Yet the increases in the costs of these plans are such that their companies will not be able to operate. They have this huge dilemma: to continue to cover their employees whom they care a lot about—some of whom have been working for decades—or to dump them into the marketplace, because that is the only way the company can survive.

That is the dilemma that this bill is putting people into. Hardly a day passes where I don't hear from constituents about the problems they are having. Let me give you a couple of examples.

A family in Eagle River, AK, will pay \$1,200 a month in premiums with a \$10,000 deductible under the new Affordable Care Act. A couple in Anchorage will be paying \$3,131 a month in premiums—almost \$38,000 a year.

Here is an excerpt from a constituent letter:

The renewal paperwork that I just received estimated our new payment to be just over \$1,000/month—doubling our monthly expense. . . . What is a young family to do?

Here is another constituent: "There is nothing 'affordable' about the Affordable Health Care Act."

Another constituent said:

Insurance rates are killing my small business. . . . We have tried to keep our employees and their families covered but don't see how we can continue to [be in business].

Here is another constituent of mine: "Please, please help us!" They are begging for help.

Teachers, construction workers, small business owners, self-sufficient Alaskans—so many of them—are asking for help because of what this Federal Government did to them.

The numbers don't lie. In Alaska and throughout the country, workers and families are suffering. Small businesses are being squeezed. Job creation is being stymied. Nearly every single promise made by the President of the United States and the supporters of this bill in the Congress has been broken.

Let me remind my colleagues what some of those promises were. Here is one from the President: "If you like your health care plan, you'll be able to keep your health care plan."

Here is another one from the President: "If you like your doctor, you can keep your doctor."

The law, he told the American people, "means more choice, more competition, lower costs for millions of Americans."

He told the American public that premiums would be reduced on average for Americans for their health care plans by \$2,500. But again, the numbers we see don't lie. Costs are soaring all over our country. For example, a bronze plan under ObamaCare, the least expensive insurance available on the exchange, costs on average—this is a national average—\$420 a month, with an average deductible of \$5,653 for an individual and close to \$11,600 for a family.

Remember former Speaker of the House and ObamaCare promoter NANCY PELOSI with her line about how important it was to pass ObamaCare so we could all figure out what was in it. She promised that ObamaCare would create "4 million jobs—400,000 jobs almost immediately." That was the former Speaker.

Let's see what the Congressional Budget Office says about that promise. Recently, the CBO projected that ObamaCare will result in 2 million fewer jobs in 2017 and 2.5 million fewer jobs in America by 2024. Obviously, that promise didn't come true. Promise after promise was unfulfilled. It is no wonder the American people have such a low opinion of the Federal Government and the Congress.

What is of the laudable goal of health insurance for the uninsured? It is a very laudable goal, and there is no doubt about it—affordable health insurance for the uninsured. ObamaCare is barely moving the needle. Today there are 35 million people who don't have health insurance. According to the CBO, 10 years from now there is still going to be approximately 27 million people who don't have coverage under this system.

Let me get a little more specific in terms of my State. Probably no other State in the country has been more negatively damaged by ObamaCare than Alaska. Five insurance companies originally offered coverage in our exchanges in Alaska, offering a glimmer of hope of what is really needed in the health care market, which is competition. Today only two are left to provide individual insurance on the health care exchange. Both will be increasing premiums by approximately 40 percent this year. In Anchorage, for the lowest level plan—a bronze plan—premiums are going to go up 46 percent.

There you go—major metropolitan areas in the United States. Look at the far left. That is Anchorage, AK, and at 46 percent in 1 year, it will make it one of the most expensive and the biggest increase in terms of metropolitan areas in the United States.

Let me give you another example. A 40-year-old nonsmoker—individual—who doesn't receive subsidies will pay anywhere from \$579 to \$678 a month in premiums for a bronze plan with a deductible of either \$5,250 for the more expensive premium or \$6,850 for the less expensive premium.

Remember, ObamaCare requires Alaskans and Americans to purchase these plans. Remember what it did for the first time in U.S. history. The Congress of the United States told the American people: You must buy a product; you have to or you will be penalized.

That brings me to the penalties. Because of the prohibitive costs, some in Alaska and many across the country have chosen to go without coverage and pay the yearly fine under ObamaCare. But that fine is also very expensive. Alaskans and Americans are asking: What is the point? What is the point of having health insurance that has been forced on them by their Federal Government and that they can't afford? Others are foregoing seeing their doctors altogether.

A recent Gallup poll found that in 2014 one in three Americans says they have put off getting medical treatment they or their family members need because with these numbers it is too expensive. They are not going to the doctor. Again, what is the point? You have health insurance, but you can't go see your doctor because it is too expensive. That number, by the way—one in three—is among the highest number in the Gallup poll's 14-year history of posing this question.

As the costs rise, the numbers will continue to rise. Not surprisingly, given all of these numbers, given that number, a recent poll found that despite 6 years of being under ObamaCare, where our citizens of the United States were supposed to finally be comfortable with it, to understand it, to have it working, still 52 percent of Americans have an unfavorable view of it—only 44 percent, favorable.

For Alaskans, this is only going to get worse. The so-called Cadillac tax—one of the numerous taxes embedded in ObamaCare—is going to kick in for 2018. It will be devastating for individual Alaskans, for union members, and for small businesses across Alaska. It has been estimated that as many as 90 percent of Alaska businesses will be faced with the increased Cadillac tax. That is a tax of an additional 40 percent on these benefits. Many small businesses in Alaska will not be able to afford this. An employer with 20 employees, under the Cadillac tax will pay an estimated \$28,000 a year more in taxes—just for the Cadillac tax on a small business. That can be the difference between make or break for that business.

Who is going to get hurt by this? Small businesses, but more importantly, their employees, their workers will. Those extra costs are going to trickle down to the workers, likely in the form of reduced benefits and reduced wages and more problems with their health insurance plan.

As I mentioned, it is not just small businesses. Hard-working Alaskans covered under union plans will also very likely be hit by the Cadillac tax, requiring them to pay much more, and



so will State and local government employer plans.

For all of these reasons, one of my campaign promises was to vote to repeal ObamaCare. I certainly plan to do it today when we take up this reconciliation measure. I certainly hope it is going to pass.

When this legislation gets to the President's desk, what will happen then? Well, he is likely going to veto it again. I hope he looks at these numbers and recognizes what a mistake this bill was and agrees with us to work together to replace it, but he is likely going to veto it, and in doing so will likely mislead Americans again by claiming that ObamaCare is working. It is not working.

Let me give you another example of how it is not working. UnitedHealth, one of the Nation's biggest insurance companies, recently announced that because of its huge losses, it may pull out of ObamaCare altogether. If United pulls out, then others are likely to follow.

Premera Blue Cross Blue Shield of Alaska, one of the only health insurers left in Alaska offering coverage on the exchange, said that it can't continue to sustain losses under the exchange.

As bad laws often do, ObamaCare contains the seed of its own destruction. But for the sake of millions of Americans and thousands of Alaskans who have been sold a false bill of goods, we can't simply wait to see it self-destruct. This was not the health care that was promised to Americans, and we can't let it get worse. We need to act, and that is why I am joining with my colleagues today to repeal this law. We need to look at replacing it with one that includes provisions that are missing, such as tort reform. We need a system that encourages purchasing insurance across State lines, encourages patient-centered care, and allows the kind of doctor-patient relationship that has been the hallmark of American care for many years.

Contrary to what some on the other side of the aisle have claimed, there have been many alternatives proposed to ObamaCare. The plan in the Senate has been introduced by Senators HATCH and BURR and Congressman FRED UPTON on the House side. Their legislation includes many of these important reforms. It will allow people to actually get involved in their own health care and not watch this train wreck in terms of health care becoming unaffordable for Americans throughout all of the different States.

When selling the law to the public, President Obama talked about the fierce urgency of now. That is exactly what I am hearing from my constituents when they write: Please, please help us. What is a young family to do? The fierce urgency of now is now.

Finally, I wish to comment on a number of my colleagues on the other side of the aisle who have been lamenting that this reconciliation vote we are going to take today is going to be

along party lines. They have been lamenting that this might be some kind of partisan vote.

As the Presiding Officer knows, this is a bit rich and a bit ironic. It is very important to remember that 6 years ago, almost to the day, this legislation passed in the Senate and the House by a party-line vote—a partisan vote—so to hear their concerns now rings a little hollow. That was not a wise move back then.

One important lesson of U.S. history is that most, if not all, major pieces of legislation in the Congress on important social issues have been passed with bipartisan majorities, which helps to make legislation sustainable. That happens when the American people back that kind of legislation.

The American people have never backed this legislation, but democracy has an interesting way of working—not always quickly, but eventually. This law is not popular. It was never supported by the American people, and they are noticing. As a matter of fact, of the 60 U.S. Senators who voted for this law 6 years ago, 30 are no longer in this Chamber. That is democracy working.

We are going to take that vote again today. I am hoping some of my colleagues on the other side of the aisle will join us in repealing a law that doesn't work and is dramatically harming Americans so we can move on to a health care plan that helps us, helps families, and prevents constituents from writing to their Members of the Senate and begging for help, which is what is going on right now because of this bill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. 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. CASEY. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. CASEY. Madam President, I rise to speak about some of the matters we are working on today with regard to votes that will take place later on.

We now are in a period in our economic history where we have had a significant recovery, but we still have a ways to go and still have families across the country who are living with some economic uncertainty. We can take steps today and certainly over the next couple of days and, we hope, in 2016 to ease some of that uncertainty or to create more economic certainty for our families, especially middle-class families.

One of the most important steps we can take to address some of the challenges our families face is to boost

middle-class incomes. The most significant challenge we have as a nation right now, I believe over the long term, is what will happen to incomes—especially what will happen to middle-class incomes—over time.

I have an amendment today that will address part of the solution or part of the strategy to raising incomes. One of those ideas is an expansion of the child and dependent care tax credit, which is a tax credit that helps families afford childcare, and so I will speak about that for a couple of minutes today. The other issue we are going to deal with is the so-called dual-earner tax credit, which helps families who have young children where both parents work outside the home.

I don't think it is a news bulletin to anyone here or across the country that the cost of childcare has skyrocketed, especially in recent years. A recent study by the Pew Foundation found that average weekly childcare expenses rose 70 percent between 1985 and 2013. So the cost every week that a family is paying for childcare is up basically 70 percent in 30 years or 25 to 30 years.

That is one of the many costs that have gone up in the lives of middle-class families. Their childcare costs have gone way up, the cost of higher education has gone way up in that time period, the cost of health care, the cost of energy, and the cost of food. It seems as though for a middle-class family, every cost or every number we would hope would be going down or leveling off is going up. As a result, childcare is increasingly becoming literally unaffordable for middle-class families.

That is a reality in a context where we know that the cost is going up at a time when all the evidence shows that quality childcare can have a substantially positive impact on a child's life. One of the reasons quality childcare matters so much to a child is because they have opportunities to learn. One thing I have said over and over again is that if our children learn more now—meaning when they are in those early years—when they are in childcare settings, they are going to earn more later. That direct linkage, which all the evidence shows—all the data shows, all the studies show—the linkage between learning and earning is substantial. One of the best ways to make sure kids learn more now and earn more later when they are in the workforce is to make sure they have quality childcare.

To give one example, in Pennsylvania the average cost for full-time daycare for an infant is \$10,640. For a 4-year-old, it is \$8,072. Those numbers sound almost like approaching college tuition maybe at some public universities. Double-figure, thousand-dollar numbers for childcare is almost hard to comprehend—\$10,640 for an infant and \$8,072 for a 4-year-old. So what does that mean for, for example, married couples in Pennsylvania? It means that about 12 percent of their annual income is dedicated to childcare. How

about for a single-parent family? For a single mother, those numbers translate into 44 percent of her income. Forty-four percent of that single mom's income is going to childcare. And she has to have it because she has to work. This isn't something extra, something nice to do; she has to have that childcare. She has to be able to pay for it. And in a State such as Pennsylvania, which I think is fairly typical of the country when it comes to these costs, if that single mother is having to pay 44 percent of her income on childcare, that makes it very hard for her to make ends meet, if not impossible.

That is why the Tax Code has long recognized the need to provide families with tax relief to offset childcare expenses through the child and dependent care tax credit. However, the way this tax credit is currently structured, it means that few families can benefit from it.

Here is what we should do. We should make the full credit available to most working families. More than 85 percent of taxpayers in Pennsylvania, for example, with children would receive the full benefit if our amendment passes. We should increase the maximum amount of the credit for children under 5 from \$1,500 to \$3,000, thereby reducing the cost of childcare by 35 percent. That would be one of the positive benefits of passing the amendment. Third, we should ensure that lower income families are better able to benefit from the credit by making it fully refundable. We have not done that. We should do that. That is what families would benefit from. Finally, we should retain the value over time by indexing the benefits in income thresholds to inflation.

That is what we do on the child and dependent care tax credit—a substantially positive advancement for families trying to pay for childcare as the cost of everything in their life is going up, for middle-class families especially.

Second, we have the so-called dual-earner tax credit. We want to expand those tax credits for working parents with young children. The amendment includes a provision which would provide up to a \$700 tax credit on secondary earners' income for parents with children who are under the age of 12.

We know that as our workforce changes, we must develop policy that ensures that our Tax Code rewards work and expands opportunity for working middle-class families. That should be the goal of everyone here. I think on a lot of days it is, but sometimes the Senate doesn't focus on those priorities. Make the Tax Code reward work and expand opportunity. If we enact these policies we will guarantee that these middle-class families see their incomes go up and we can do it in a fiscally responsible way that pays for these tax cuts by closing the most egregious tax loopholes.

The amendment will say that companies can no longer evade U.S. taxes

through so-called corporate inversions, which is when a large company buys another company overseas and then claims their headquarters are abroad. The inversion strategy that some companies have employed has been an abuse of the Tax Code and frankly an insult to working Americans.

We also ask, as a way to pay for these changes, that the very wealthy who have received lots of relief over the last decade—the kind of tax relief we have not seen in my judgment in human history, not just U.S. history—those folks at the very top have gotten a very good deal for the last couple of decades, especially the last decade or so, and this Senator thinks a lot of those folks would like to help their country and would like to help us pay for these commonsense tax relief provisions for middle-class families, especially as it relates to paying for the costs of childcare.

How do we do that? We can enact as part of one of the pay-fors the so-called Buffett rule, named after Warren Buffett—a pretty wealthy guy—but he has supported a measure that would ensure that a secretary or teacher doesn't have a higher tax rate than someone making millions of dollars a year or literally billions a year.

Finally, we would ensure that those who run very large corporations aren't able to use loopholes to avoid paying taxes. So these basic, commonsense steps would make sure our Tax Code works for the middle class and not just those at the very top. In particular, the way the Senate can focus on middle-class incomes is to put in place policies that help families pay for some of the biggest expenses they face, such as childcare.

Finally, Madam President, I will move to the issue of Medicaid. I know my colleague Senator BROWN is on the floor and has worked so hard on this issue over many years. I want to talk about a matter we are working on together, and I appreciate his leadership on Medicaid.

The effort we are undertaking would bolster the work we have done over the last 5 years to expand access to Medicaid. When Medicaid was expanded on the Affordable Care Act, the so-called Federal medical assistance percentage, FMAP, basically is when the Federal Government contributes to help States cover the cost of Medicaid. That was set at 100 percent for 2016. Beginning in 2017 the Federal Government's contribution would decrease until it gets to 90 percent in 2020. The amendment that Senator BROWN, I, and others will put forth will keep the Federal contribution at 100 percent until 2020, instead of letting it drop to 90 percent at 2020.

Pennsylvania has expanded into the Medicaid Program. We are happy about that, but in doing that what Pennsylvania did is they ensured that all individuals with incomes up to 133 percent of poverty were covered. Other States have not done this. This has created a

so-called coverage gap that is impacting over 3 million people around the country.

One of the reasons States point to in refusing to expand Medicaid is they cannot afford to pay the costs they will incur, beginning in 2017, when the Federal share goes to 90 percent. The States at that point will have to pay more, and some are using that or citing that as a reason they will not expand Medicaid. This amendment would remove that concern that has been asserted by Governors and others around the country. States would be free to expand Medicaid without having to worry about how they pay the bill.

Wrapping up, let's remember what Medicaid means. Medicaid isn't some far-off program that doesn't affect a lot of Americans. It directly affects tens of millions of Americans and tens of millions more indirectly. For example, Medicaid pays for almost half of all the births in the country. Half of all the babies born in the country are paid for by Medicaid. Every Senator in both parties should remember that. So this isn't some program that you don't have to worry about, that can be cut and slashed without consequence. Half of the babies born in our country are paid for by Medicaid.

How about older citizens? Skilled nursing home payments—that is a shorthand way of saying nursing homes—60 percent of those payments are covered by Medicaid, and 65 percent of almost 23 million publicly paid resident days of care in the State of Pennsylvania are paid for by Medicaid, compared to 13 percent by Medicare. So Medicaid has a huge impact on long-term care for families across the country.

By the way, Medicaid is not just for low-income families. A lot of middle-income families benefit directly from the payments made by Medicaid for long-term care. So if you care about older citizens in your own family getting nursing home placement, if you care about 45 percent of all the babies born in the country, you better care about Medicaid, and you better care about efforts, in a sensible way, to expand Medicaid across the country, which would be better for all of us, especially the children, older citizens, and Americans who have disabilities who are all affected by Medicaid.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I understood that the Senator from Ohio was seeking consent to speak after me.

I would like to take a few minutes this morning to speak about how the Affordable Care Act is harming the people of the State of Alaska. This Senator has come to the floor a lot to talk about the fact that we in the State of Alaska have the highest insurance premiums. Well, again, we have the highest insurance premiums in the country. Believe me, I am hearing from



folks back home all the time about the burden that these costs place on them.

Our State's largest newspaper has been reporting, as we have seen these premium increases coming out over these past several months—they have been detailing the incredible rise of premiums throughout the State. The average monthly premium for a single 40-year-old in the State of Alaska is now over \$700 a month—\$700 a month for the average single 40-year-old—more than double the national average. People are paying thousands of dollars each month to insure their families. The insurance premium costs have gone up somewhere between 25 percent to 40 percent each year. How do you budget for that?

A family of three in Ketchikan—I got the information from them—are going to be paying almost \$2,000 a month next year for one of the cheapest bronze plans available. This is a family of three paying for one of the cheapest plans, and they are going to be paying \$2,000 a month. This plan comes with a \$10,500 deductible. Heck of a deal. In spite of paying almost \$24,000 on insurance, nearly all the medical bills will still be paid out of pocket for this family. They will not see any benefit until they have spent just about \$35,000. Contrast the \$2,000 per month for health insurance with their mortgage payment. Their monthly mortgage payment is \$1,250. Does this seem right to anyone? It should not cost more to provide health care coverage for your family than to own your home.

We have a married couple in Wasilla who were paying \$850 a month prior to the ACA, but that plan wasn't acceptable under the new regulations. The promise that you can keep the plan if you like it—well, that didn't hold. They had to find other insurance. Next year this married couple is going to be paying over \$2,300 per month. That means they are going to be paying over \$17,000 more per year for the same coverage. This is a 268-percent increase in just one calendar year. This is not right. This is unconscionable. It is not that this married couple has somehow increased their income by an additional \$17,000 last year. No, this is just the cost to cover their insurance.

A self-employed man down in Homer whose insurance covers him, his wife, and his son has seen his costs increase from \$325 per month 2 years ago to \$1,325 a month since the ACA was passed. That is an additional \$1,000 per month that these folks are now paying for the cheapest bronze plan available with a \$12,000 deductible. This is not some Cadillac plan. This is the cheapest plan available. This is a \$12,000 deductible. This is what these folks at home are paying.

The ACA repeal bill that we are currently debating addresses the problem by reducing the penalty for not buying insurance to zero. Alaskans could choose to buy insurance or simply save the thousands of dollars they would be paying each month that could be spent

on medical bills as needed but would be available for the families to use as they see fit.

On top of the outrageous costs that we are seeing that come with the individual mandate, the Cadillac tax that I just mentioned hits Alaskans harder than anywhere else in the country. Premiera is the largest insurer in our State and they tell me that about 62 percent of their customers in Alaska will be forced to pay these tax penalties under the Cadillac tax in 2018, the first year of the tax. The average cost will be \$420. That would be the tax on the plan that they would be paying that first year. It is not as if these plans are grand. The problem is with the high cost of health care within our State. The tax penalizes Alaskans because our health care is more expensive in a rural State with a low population.

This tax is going to hit the State, the boroughs, and our school districts. It will take away money from public education and other services that the State provides. I am hearing from school districts. Instead of saying they are concerned about testing or some of the other issues we are dealing with in education, they are saying their No. 1 concern is the implementation of the Cadillac tax. It is the single greatest threat to quality public education. That is how Robert Boyle, the superintendent of the Ketchikan Gateway Borough School District describes the ACA, as the single greatest threat to quality public education. Bob's district faces a tax penalty of over \$500,000 due to the Cadillac tax coming up in 2018, the first year of the tax, and the penalties only increase from there. The Ketchikan Gateway Borough School District is looking at a half-million-dollar tax coming due in 2018. They are not getting more money to run their school district. This is money out the door that isn't improving the education of a single child in that district.

We are facing a financial crisis in the State. The State cut the education budget this year, and they are looking hard at cutting it again next year. We are a State that relies on oil revenues, and you see what is going on with the price of oil. That is an impact to us. We are feeling it—desperately feeling it. School districts cannot afford the imposition of hundreds of thousands of dollars of new taxes on top of a budget reduction. The money, as you and I know, would be far better spent paying teachers what they deserve. School districts are now looking to possibly reduce benefits for teachers in order to avoid paying the new tax. With low pay and no benefits, how are our schools going to get ahead? How can we expect to attract and retain quality teachers? The answer is pretty real—we just can't do it. Without quality teachers who suffers? It is going to be the kids.

The bill we are debating solves the problem for 6 years by delaying the Cadillac tax for 6 years until 2024. That gives us time to find a way to address it permanently and in a responsible

way. This Senator advocates eliminating the Cadillac tax altogether.

The problems with the ACA don't end with hundreds of thousands of dollars in new taxes on schools or charging individuals outrageous premiums. It also impacts our small businesses. I heard from so many business owners around the State who want to expand but are saying they just can't do it. They can't do it. They cannot afford to both expand their business and then hit the 50-employee threshold at which they are required to provide the insurance. So, at best, these businesses are kind of treading water right now. The ACA requires every business owned by an individual to be grouped together when counting employees.

I have heard from a fellow in my State from Fairbanks. He owns several businesses there. It is a mix of businesses. One is a plumbing distribution company, but he also has a whole handful of little coffee shops. There is quite a difference between plumbing distribution and coffee shops.

For tax purposes, Mr. Vivlamore's businesses are all treated as separate entities, and for legal purposes, they are all treated as separate entities. That makes sense. But for some reason, for purposes of health insurance, they are all lumped into one bucket. He has his employees from the coffee shop, and he has employees from the plumbing distribution business, so he is going to be required to provide health insurance when the mandate kicks in because he employs more than 50 people across all of his companies together, even though he doesn't have 50 employees in every one of his very different businesses. He has talked to me about what he is going to do about the prospect of possibly downsizing because the cost of doing business under the ACA for him is just too high.

This issue is also resolved in the bill by reducing to zero the penalty for noncompliance with the employer mandate. Employers will once again be free to offer workers more hours, hire more staff, or expand operations without facing a large tax penalty for not offering insurance or an equally significant cost increase when they are forced to provide insurance.

I have been on the floor before, and I have asked the question before, but it is worth repeating: For whom is the Affordable Care Act actually affordable? It is certainly not affordable for the average, hard-working Alaskan who is being forced to shell out thousands of dollars for their premiums each month. It is not affordable for the school districts and other State entities that will pay huge taxes. It isn't affordable for the kids whose educations will potentially suffer.

This law is not affordable for us in Alaska. That is why I support the bill that repeals the ACA and wipes out these harmful impacts. We cannot stand by and see these premiums shoot through the roof 30 percent or more each year, see our businesses artificially constrained, and see the quality

of public education decline. It just doesn't work.

I appreciate the time this morning and look forward to the opportunity this afternoon to weigh in on some of these very significant issues that have great and considerable impact on the people of Alaska.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank Senator MURKOWSKI for the consent request.

Madam President, I ask unanimous consent to speak for up to 12 minutes as in morning business.

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

OMNIBUS APPROPRIATIONS BILL AND POLICY RIDERS

Mr. BROWN. Madam President, many in Washington and on Wall Street seem to have collective amnesia. They seem to have forgotten, amazingly enough, about the destructive, devastating impact of the financial crisis even though it took place well less than a decade ago.

For millions of Americans, that crisis is unforgettable; millions haven't recovered. My wife and I live in the city of Cleveland in ZIP Code 44105. That ZIP Code in the first half of 2007 had more foreclosures than any ZIP Code in the United States of America. That was in large part because of Wall Street greed and a number of companies that engaged in predatory lending.

In September of 2008, Lehman Brothers collapsed—the largest bankruptcy in U.S. history—following a decade of unfair lending, Wall Street recklessness, lax supervision, and co-optation in too many cases by regulators and Members of Congress.

I recently interviewed former Federal Reserve Chairman Ben Bernanke on C-SPAN about his new book. The book title he was originally writing when he joined the Federal Reserve over a decade ago was going to be called "The Age of Delusion: How Politicians and Central Bankers Created the Great Depression." This was about the Great Depression. I asked him what he would call a similar book or what a historian 20 years from now might call a similar book about the great recession, from which we have emerged over the last decade. He said it would be called "Asleep at the Switch" or "Too Complacent."

That complacency took a devastating toll on American families. That was the complacency of Congress, of the Bush administration, of regulators, of far too many people at OCC and the Fed who were captured, if you will—cognitive capture, regulatory capture, too close to the banking industry, too close to Wall Street, believing too much in the myths that were woven by Alan Greenspan and that crowd more than a decade ago.

The meltdown triggered a crisis that left America's economy hemorrhaging more than 750,000 jobs a month. Think

back to January of 2009, when President Obama took the oath of office. We lost 750,000 jobs that month when Bush left office and Obama took office. The hemorrhaging, of course, didn't stop immediately, although over the last 5½ years, almost 6 years, we have seen job growth every single month.

By the time we hit bottom, we had lost 9 million jobs, the unemployment rate soared to 10 percent, and 5 million Americans lost their homes. The crisis—the worst since the Great Depression—took a shattering financial and psychological toll on a generation of Americans. Thirteen trillion dollars in household wealth was wiped out—again because of complacency and co-optation of the Federal Reserve under Alan Greenspan, of this U.S. Congress, and of the Bush administration.

Congress responded by passing Dodd-Frank. We put in place new rules to bring stability to markets, to ensure strong consumer investor protections, and to crack down on the reckless and irresponsible behavior of Wall Street. Again, to repeat: Since 2010, we have seen 68 months, 69 months, and 70 consecutive months of job growth—I believe the longest in modern economic history.

One of Wall Street reform's most important achievements was the creation of the Consumer Financial Protection Bureau. It has an accountable director to serve as a counterbalance to the Wall Street lobby, and it has an independent funding stream. It was created to ensure that never again would consumers be an afterthought in our Nation's financial system.

Because of Wall Street reform, banks are required to fund themselves using more of their shareholders' money and to hold more cash or assets that can be sold easily—we call that liquidity—when they run into trouble, to undergo strength tests, and to strengthen risk management. That is why this banking system is more stable and safer than it was during the Bush years.

The law also created the Financial Stability Oversight Council to fill gaps in the regulatory framework and establish a forum for agencies to identify risks to preempt, precipitate, and preempt the identifiable risks that could contribute to the next financial crisis.

An overwhelming majority of Americans support regulation of Wall Street. They know that Wall Street did serious damage to our country. But in May the Senate banking committee reported out a sweeping financial deregulation package along party lines. I tried to negotiate with Senator SHELBY during the spring. They broke down once it became clear that the effort wasn't about negotiating; it was really about rolling back the most important parts of Wall Street reform.

Senate Republicans are now working to move this controversial bill—this repeal, this rollback, this slicing of Wall Street, of Dodd-Frank—to roll back these reforms through the appropriations process. This move, unprece-

dented in its scale, shows the Republicans will try to ram their agenda through Congress any way possible.

Last year, Republicans slipped a repeal of section 716 of Wall Street reform into the end-of-year funding bill. They have tried the same stealth strategy to undermine Wall Street reform, only this time it goes far beyond one provision. Under the guise of so-called regulatory relief for community banks and credit unions, Republicans are trying to undermine consumer protections, sensible regulations for larger bank holding oversight companies, and the Financial Stability Oversight Council. These are a lot of words, perhaps, but what we know is they again want to do Wall Street's bidding—not on the floor of the Senate. We are not debating these issues on the floor; they want to do back-room deals to take care of their Wall Street friends. That is what all of this is about. That is why we introduced our alternative proposal last year.

Now the good news is this: Republicans and Democrats agreed with our approach in the House of moving non-controversial bipartisan provisions. I wish to give a couple of examples.

Under the Surface Transportation Conference Report, which we will be voting on later today, we included changes in the bank exam cycle for small banks—a major help for community banks. It was sponsored by Senator TOOMEY and Senator DONNELLY, a Republican and a Democrat. It streamlines privacy notices. It is something I had worked on last session as a sponsor. This session Senator MORAN and Senator HEITKAMP introduced it. It allows privately insured credit unions to become members of the Federal Home Loan Bank system, something I have worked on for some time. We have put these in the Transportation bill. We have done what we should do for community banks—not everything we should do, but we have done much of the agenda for the community banks and the small credit unions.

Our goal is to do this right, to debate these issues on the floor, and to help those institutions under \$10 billion. They didn't cause the financial crisis; we know that—nor did banks the size of Huntington, \$55 billion; of Fifth Third Bank, \$130 billion. KeyCorp was \$90 billion and is about to do an acquisition that will make them a little larger.

As the ranking member of Senate banking, I have heard time and again the calls for legislation to undermine the new financial rules. Let's help these community banks, but let's not do the bidding of Wall Street. In this bill, we are helping those community banks be more efficient, be able to cut some of their administrative costs, and still protect consumers.

What people want to do in the back room on the omnibus bill is jam all kinds of issues through the Senate that, frankly, are weakening Dodd-Frank. It will challenge and undermine the financial stability of our system.

It is pretty clear to me that far too many Members of this body have forgotten the lessons and forgotten what happened in 2007 to our country and to people in our great country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

#### GUN CONTROL

Mr. SHELBY. Madam President, the tragic murders that occurred in California yesterday are unthinkable and by all standards horrific. My thoughts and prayers today go out to all of the victims, their families, and the entire community. Today I would also like to take a moment to thank the brave first responders there who selflessly and honorably risked their own lives in order to protect the lives of others.

Following the tragic events of yesterday, President Obama unsurprisingly called to limit the Second Amendment rights of the American people through stricter gun control. I believe this is yet another example of the President using tragic events to push his political agenda.

Infringing on the rights of law-abiding citizens to keep and bear arms is not the answer to curbing violent crime in America. Restrictive gun control measures only prevent law-abiding citizens from protecting themselves because criminal criminals, by definition, refuse to follow the law.

In addition to President Obama's misguided calls for gun control, he recently issued an Executive order to remove unarmed military surplus vehicles that were obtained through the section 1033 program from local law enforcement. These vehicles have been valuable to local law enforcement officials in my home State of Alabama, specifically in Calhoun County. They were also used by the local law enforcement people seeking to protect those in harm's way yesterday in California.

I have called on the President to reverse the dangerous decision he made in which he abuses the authority of his office, I believe, by making unilateral decisions through executive fiat. During this time of increased uncertainty at home and abroad, I believe the American people are looking to us for certainty that we will do everything in our power to keep them safe.

Unfortunately, I believe President Obama has once again chosen to attack and weaken law enforcement and law-abiding citizens instead of focusing on fighting against criminals and radical Islamic terrorists.

Let me be clear here today. The President's calls to increase gun control and remove equipment from law enforcement used to keep us safe only undermines the safety and security of the American people. We simply cannot and must not continue to let this administration infringe upon our constitutional rights and put law-abiding Americans in harm's way. I hope we will continue to fight for our constitutional rights here.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### NOMINATIONS

Mr. CARDIN. Madam President, shortly I will be asking consent to advance certain nominations of the President for confirmation by the Senate. I do that in my capacity as the ranking Democrat on the Senate Foreign Relations Committee. There are seven that I will bring up today, but there are many more waiting for action. Seven represents some of these nominees. There are others waiting for action.

What these seven all have in common—all seven—is that they are well qualified for the position, they have gone through the process in the Senate Foreign Relations Committee—the committee of jurisdiction—they have had hearings, there have been questions asked, the vetting has been done, and they have cleared the committee by unanimous vote. There is no reason to withhold their confirmation when looking at their qualifications for the positions they have been nominated for.

In some cases, these nominees have been waiting as long as 6 months for confirmation on the floor of the Senate. In each of these instances, we are talking about confirming individuals to positions that have importance for our national security and that will be directly involved in protecting our country. Recent events only underscore the importance to have confirmed executive nominees to handle the challenges that are brought before our country.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR NO. 375

Let me start by first mentioning Tom Shannon. Tom Shannon has been nominated to be Under Secretary of State for Political Affairs and is the Department's fourth ranking official, responsible for the management of six regional bureaus of the Department as well as the Bureau of International Organization Affairs. This is a tremendously important leadership position on key national security issues.

Among the many issues with which the Under Secretary will contend, we have the implementation of the Iran nuclear deal. This is the person who is responsible within the State Department as its top management, and I think every Member of the Senate wants to see this implementation done in a way that prevents Iran from becoming a nuclear weapons state. This individual also will be monitoring the civil wars raging in Syria, Libya and Yemen, which we know have a major impact on the voids created that allow ISIL to be able to gain footholds. The growing turmoil in Venezuela, the conflict in eastern Ukraine, and the need to ensure the full implementation of the Minsk agreement, as it relates to Ukraine, are all on the plate of the person who holds this position.

Tom Shannon has been nominated and has gone through the process. He has received the full support of the

Senate Foreign Relations Committee. He is a seasoned diplomat. We are fortunate that Ambassador Tom Shannon, a career member of our diplomatic corps who is held in universal respect and esteem by his colleagues, has been nominated to this position. Few diplomats have served our Nation under both Republican and Democratic administrations with as much integrity and ability.

In his current role as Counselor of the Department, he provides the Secretary with his insight and advice on a wide range of issues. He has previously served as Ambassador to Brazil, as Assistant Secretary of State, as Senior Director for Western Hemisphere Affairs at the National Security Council, and in challenging posts in Venezuela and South Africa, among others. He has also served as Acting Secretary for Political Affairs. So he already has the experience and the job training in order to accomplish this.

So as I said, there has been no objection raised as far as his qualifications and the need to confirm this appointment.

Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 375; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Madam President, reserving the right to object, in the hours that have followed the tragic shooting in San Bernardino, when all our prayers are with the families of those who were murdered and those who were injured, more and more of us are becoming concerned that this reflects a manifestation of radical Islamic terrorism here in America. The facts are still not entirely clear, but in the wake of the Paris attack, it is appearing more and more likely that is what this was.

In the wake of these horrific attacks by radical Islamic terrorists, it has become abundantly clear that President Obama's Iranian nuclear deal—

Mr. CARDIN. Madam President, I ask unanimous consent that the Senator's comments come off Republican time.

The PRESIDING OFFICER. Is there objection?

Mr. CRUZ. I didn't hear.

Mr. CARDIN. This is your time, not our time.

Mr. CRUZ. Sure.

The PRESIDING OFFICER. Without objection, the time consumed by the Senator from Texas will come off the Republican time.

Mr. CRUZ. In light of these terrorist attacks, President Obama's Iranian nuclear deal looks worse and worse and worse.

The idea that the United States of America would be sending over \$100 billion to the Ayatollah Khamenei—the

leading financier of terrorism in the world—is profoundly foolhardy. At the time that deal was being negotiated, I sent a letter to Secretary Kerry informing Secretary Kerry that under no circumstances should the Obama administration attempt to go to the United Nations and circumvent Congress with this foolhardy and catastrophic deal. In that letter to Secretary Kerry I said explicitly: Under no circumstances should the executive branch take such action before the congressional review process is complete. Thus, I ask that you provide written assurances that you will take all necessary steps to block any U.N. Security Council resolution approving the JCPOA until the statutory time line for congressional review has run its course. Until you provide such assurances, I intend to block all nominees for the Department of State and hold any legislation that reauthorizes funds for the Department of State.

This was fair warning, given ahead of time, that the State Department should not try to circumvent the Congress, should not try to undermine U.S. sovereignty, and should not go to the United Nations to try to approve a deal—particularly a deal that profoundly endangers the national security of this country. The Obama administration ignored my warnings and went to the United Nations anyway.

I would note that under the terms of the Congressional Review Act, the congressional review period has not yet run. The Congressional Review Act says that time does not begin to run until the President submits the entire deal to Congress. That statute defines the entire deal to include any and all side agreements. We know of at least two side agreements governing inspections that have not yet been given to this body. So, accordingly, the congressional review period has not yet begun, much less ceased.

When I told Secretary Kerry that if the State Department circumvented Congress and went to the United Nations, I would block State Department nominees, that was not an empty threat. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. CARDIN. Madam President, I certainly understand the right of the Senator to object. I would just hope that this could be resolved. It is not about the State Department being put at a disadvantage by not having these confirmed positions; it is the American people. These are security positions for which we have to have representatives, and not only of the State Department. As I go through these nominations, we will be talking about the Legal Adviser at the Department of State, and we will be talking about ambassadors.

UNANIMOUS CONSENT REQUEST—EXECUTIVE  
CALENDAR NO. 204

Next, Madam President, let me mention Brian Egan to be State Department Legal Adviser. The Legal Adviser is the principal adviser to the Department of State on all legal matters, do-

mestic and international, arising in the context of the work of the Secretary of State and the Department as a whole. The Legal Adviser also advises the President and the National Security Council, as well as other Federal agencies, on all legal matters involving the conduct of foreign relations.

I think we are all familiar with the challenges we have that are raised every day in the Senate—issues raised about whether this is legally acceptable or not. We really should have a confirmed Legal Adviser to the State Department in order to respond to the concerns not only of the Congress but of the American people and our international partners.

Like Ambassador Shannon, Mr. Egan has also served in both Republican and Democratic administrations. He entered public service in 2005 as a civil servant in the Office of Legal Adviser of the State Department, which was headed at the time by Secretary of State Condoleezza Rice. He has worked in the private sector. He has served as Assistant General Counsel for Enforcement and Intelligence at the Treasury Department. He has served on the National Security Council staff.

His is a nonpartisan, fairminded individual who clearly has the skills and ability to advise our policymakers well and lead the Office of Legal Adviser.

He has been waiting since June for floor action. This is not a matter that just recently came to the floor of the Senate. He has been waiting since June. It has now been 6 months.

Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 204; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Madam President, reserving the right to object, the single greatest national security threat facing the United States today is the threat of a nuclear Iran. The President's catastrophic Iran deal only increases the likelihood the Ayatollah Khamenei will possess nuclear weapons.

There are some in this body who suggest we should trust Iran. Well, I do trust Iran. When the Ayatollah Khamenei, with a cheering crowd, burns Israeli flags and American flags and promises "Death to America," I trust the Ayatollah means what he is saying. Therefore, we should not be giving him over \$100 billion and facilitating his getting nuclear weapons. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—EXECUTIVE  
CALENDAR NOS. 332 AND 333

Mr. CARDIN. Madam President, I next would like to address the nomination of David Robinson to the position of Assistant Secretary of State for Conflict and Stabilization Operations.

The Bureau of Conflict and Stabilization Operations has an important role to play in helping the Department of State to address the multiplying violent conflicts around the world and the rise of violent extremist groups. I don't have to tell this body how many challenges we have globally in conflicts dealing with extremists. This is the key person to deal with this issue. Ambassador Robinson clearly has the background and skills to excel in the position for which he has been nominated. He is a career diplomat. This is a career diplomat. This is a person who at an early age went into service for our country—at great risk, as we know. With over 30 years of experience, he currently serves as the Principal Deputy High Representative in Bosnia and Herzegovina, where he oversees the implementation of the peace agreement that ended the war in Bosnia and Herzegovina. He has served both Democratic and Republican administrations far and wide under dangerous and demanding circumstances. He was the Assistant Chief of Mission at the U.S. Embassy in Kabul, Afghanistan. Ambassador Robinson has served as the Principal Deputy Assistant Secretary for Populations, Refugees, and Migration, and as U.S. Ambassador to Guyana from 2006 to 2008, and as Deputy Chief of Mission in Guyana and Paraguay.

This is a highly qualified individual, a career diplomat who has shown his commitment and dedication to serving our country. The position he has been nominated for is a critically important position at this time in our history.

Therefore, Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 332 and 333; that the Senate proceed to vote without intervening action or debate on the nominations; that if confirmed, the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Madam President, reserving the right to object, I have not placed a hold on this nomination, because my hold has been limited to political nominees, not to career foreign service officers serving as ambassadors. That being said, Mr. GRASSLEY, the senior Senator from Iowa, has filed a formal notice of intent to object to this nomination, and, therefore, on behalf of the senior Senator from Iowa, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE  
CALENDAR NOS. 148 AND 263

Mr. CARDIN. Madam President, Azita Raji has been nominated for Ambassador to Sweden and Samuel Heins

as Ambassador to Norway. Having representatives on the ground in Scandinavian countries is urgently needed. Both Sweden and Norway are key strategic allies and members of the Arctic Council. Russia's recent military activities in the Arctic and its disputed territorial claims in vast stretches of waters make the presence of a strong American voice in Sweden and Norway essential.

Moreover, nearly 300 Swedish citizens have left to fight in Syria or Iraq, making it the second largest country of origin per capita for foreign fighters in Europe. Put simply, we need representation in Stockholm and Oslo to protect the U.S. strategic interests abroad.

I particularly want to note the close ties and deep friendship the United States and Norway have, symbolized by the 32-foot Christmas tree at Union Station that is annually gifted to the American people by Norway, their gratitude for U.S. assistance during and after World War II.

Norway is a founding member of NATO alliance and has been more than diligent in attending to its obligations. It has contributed personnel to NATO's operations in Afghanistan, Libya, and the Balkans. Its former Prime Minister currently serves as the 13th Secretary General of NATO. Just this year, Norway assumed leadership responsibilities for NATO's air-policing mission over the Baltic States and is participating in a large-scale NATO anti-submarine exercise.

I am also pleased to note that these nominees for these critical positions have incredible backgrounds. Neither were controversial during the consideration by the Senate Foreign Relations Committee. Azita Raji is an accomplished businesswoman with impressive international credentials. She was the vice president of J.P. Morgan Securities in New York, Tokyo, and Japan. She speaks five languages and has published in the *Journal of the American Medical Association*.

Samuel Heins is not only a highly respected lawyer in his home State of Minnesota, but with over 40 years of legal experience he is also a distinguished human rights advocate. He founded Minnesota Advocates for Human Rights. He was a private citizen member of the 2011 U.S. mission to the United Nations Human Rights Council in Geneva and has won human rights awards.

Samuel Heins has been waiting for 200 days. This is not a recent matter. Azita Raji has been waiting almost a year for confirmation. These are people who are ready to serve our country, critical allies.

Mr. President, therefore, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 148; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

This is the Azita Raji nomination  
The PRESIDING OFFICER (Mr. SASSE). Is there objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, reserving the right to object. When Secretary Kerry chose to ignore my request that the State Department not submit this catastrophic Iranian nuclear deal to the United Nations, Secretary Kerry did so with open eyes. He did so knowing the consequences because I had spelled them out explicitly; that the political nominees he would want to put forward at the Department of State would not proceed if Secretary Kerry chose to undermine the authority of the Congress of the United States, to undermine the sovereignty of this country, and to instead treat the United Nations as the relevant decisionmaking body. He did so nonetheless.

As a consequence, the Obama administration is proceeding forward under this Iranian nuclear deal as if it is binding law. The Obama administration is proceeding ultra vires. They are proceeding contrary to law under the explicit terms of the Congressional Review Act. The period of time for congressional review has not begun to commence because the Obama administration has not submitted the entire deal to the U.S. Congress. They have not submitted the side deals. As a consequence, under explicit U.S. law, it is contrary to the law for the Obama administration to lift sanctions on Iran.

I wish to note to any bank at home or abroad that is in possession of Iranian assets, any bank that chooses to release those assets to the Ayatollah Khamenei or to other Iranian interests will be acting directly contrary to Federal statutory law. Even though President Obama and Secretary Kerry are choosing to disregard the law, that does not exonerate the private banks from potential civil liability in the billions or even criminal liability. The stakes are too high. I move to lay that motion on the table.

As we wrestle with the ravages of radical Islamic terrorism, the idea that the President of the United States is trying to send over \$100 billion to the Ayatollah Khamenei—a theocratic zealot who promises death to America—makes no sense at all. It means that if and when those billions of dollars are used to fund jihadists who murder Americans, the blood of those murders will be on this administration's hands. If you give billions of dollars to jihadists who have pledged to commit murder, you cannot wash your hands of responsibility for their doing exactly what they have told you they would do. Accordingly, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. CARDIN. Let me remind our colleagues we are talking about the Ambassador to Sweden.

Mr. President, I ask unanimous consent that the Senate proceed to execu-

tive session to consider the following nomination: Calendar No. 263; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

This is the Samuel Heins nomination.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—EXECUTIVE  
CALENDAR NO. 127

Mr. CARDIN. Mr. President, I wish to address the nomination of Cassandra Butts to the post to be Ambassador to the Bahamas. Cassandra Butts is currently a senior advisor to the CEO of the Millennium Challenge Corporation in Washington, DC. She is a leading attorney and former Deputy White House Counsel. She is known for her expertise in both domestic and foreign policy, particularly in economic development and migration policy, due to her work on the board of the National Immigration Forum.

I am confident she will apply these essential skills to the task of furthering the bilateral relationships between the Government of the Bahamas, a key U.S. Caribbean partner.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 127; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, reserving the right to object. Today the single greatest national security threat facing America is the threat of a nuclear Iran. President Obama's catastrophic Iranian nuclear deal dramatically increases the likelihood that the Ayatollah Khamenei will possess nuclear weapons and will use those nuclear weapons to commit horrific acts of terror. Moreover, Secretary Kerry's decision to go to the United Nations and circumvent the Congress of the United States, disregard the authority of the people of the United States was unacceptable and was profoundly damaging to this country. Accordingly, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. CARDIN. Mr. President, the nominees I went through unanimous consent requests—all are important to our national security. We are talking about Ambassadors. We are talking about career people whom we depend upon for advice, for handling conflict areas. It is in our national security interests to get these nominees confirmed. They have been held up for as long as a year in some cases.

I understand the right of individual Senators. I urge my colleagues, we have a responsibility to act on these nominations. I urge my colleagues to work with us. I applaud Senator CORKER. He has moved these nominations through the committee. For these reasons, I urge my colleagues to work with us so we can get these individuals serving our country. They are public servants and they deserve our consideration.

The PRESIDING OFFICER. The Senator from Oregon.

H.R. 1599

Mr. MERKLEY. Mr. President, I want to note that right at this moment there are Senators of this esteemed body who are doing something that is not so esteemed. They are working to put into some of the must-pass legislation that we will be considering today and in the days to come something known as the DARK Act. The DARK Act is the Deny Americans the Right to Know Act. It takes away the ability of States to make sure the citizens of their State have the knowledge they would like to have about the food they eat.

We have seen in the toxics discussion in the Senate how important it is to individual States to have the ability to identify for their citizens what is in the everyday household products they have: their spoons, their plates, their bedding, and so forth—but it is much more important. It is an order of magnitude more important to citizens to have the right at the State level to decide how to inform individuals about what is in the food they eat.

This proposal to put the DARK Act—taking away the rights of the States, taking away the rights of citizens to use their democracy to be able to know what is in the food they eat—is being proposed to be put into a bill in the dark of night. The DARK Act should never go into legislation in this Senate. It should never be considered airdropped in, in the dark of night, into must-pass legislation. It should be debated openly in committee, thoroughly vetted, thoroughly considered, because that certainly is the type of consideration merited by an issue so fundamental to citizens as knowledge about the food they eat and the food their children eat.

Let us not, as a Senate, commit such a disgraceful act as taking away the State right and the individual desire to have knowledge about the fundamental food that we consume. Let us not have that airdropped in the dark of night. That would be a huge mistake.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, it has now been over 5 years since President Obama signed into law this so-called Affordable Care Act, a sweeping health care overhaul that had passed this Chamber without a single Republican vote. While legislation as important as this should have been held to the high-

est standard and included broad bipartisan support, President Obama and then the 60-vote congressional Democrats relied on fuzzy math and false promises to jam through this enormous, unwieldy health care measure that the American people overwhelmingly oppose. Such unilateral action has become President Obama's signature domestic policy legacy, but today all that bullying and brinkmanship comes to a screeching halt.

The legislation we will vote on today takes a critical step forward in lifting the burden that ObamaCare has placed on hard-working citizens across the country who have been saddled by rising premiums, increased health care costs, and reduced access to doctors and hospitals. It continues our long fight to repeal this harmful law and build a bridge to health care solutions that work.

Since ObamaCare's enactment, Americans have been left wondering what happened to all the promises: the promise to remove obstacles to obtaining coverage, the President's promise to reduce yearly premiums by up to \$2,500 for a typical family, his promise to maintain existing providers. Remember, if you like your doctor you can keep him, his promise to prevent any form of new tax increases, and a promise to increase competition and provide greater choice.

Despite all of the President's assurances, ObamaCare has been full of empty promises that have made our Nation's health care problems worse. One of the reasons I voted against ObamaCare was because despite being portrayed as affordable, there were numerous predictions that Americans across the country would be faced with increased health care costs. Guess what. Such predictions have become reality. Just as recently as this past summer, the President promised that under ObamaCare health insurance premium increases would be "modest." This is despite the fact that the State insurance regulators and actuaries were predicting the exact opposite outcome.

Let's take a look at how modest these cost increases will be for my home State of Arizona. Data released last month by the Department of Health and Human Services shows that Americans enrolled in the Federal marketplace will see an average premium increase of at least 7.5 percent with the second lowest so-called silver plans known as benchmark plans.

In Arizona, 24 exchange plans will see double-digit rate hikes in 2016. In Phoenix, premium increases are projected to top 19 percent. The highest average premium increase in my home State is projected to reach a whopping 78 percent.

My constituents in Arizona call and write me daily, begging and pleading that something be done to alleviate the financial hardship of ObamaCare.

Thomas from Flagstaff wrote to me and said his monthly premiums jumped

from \$200 to \$600 a month. Jim, a resident of Arizona for over 25 years, will soon pay an additional \$160 per week. It goes on and on and on. Stories such as these are unacceptable.

While the President and my colleagues on the other side of the aisle continue to describe ObamaCare as a success, families, patients, doctors, and small businesses across America continue to suffer from the disastrous effects of the President's failed health care law.

Today I am proud to once again stand with my Republican colleagues as we continue the fight to repeal and replace ObamaCare. From the start, I opposed this sweeping scope of the health care law and proudly proposed the first Republican amendment to ObamaCare in 2009 which would have prevented the President from slashing Medicare by half a trillion dollars. Since then, I have continued my efforts by sponsoring numerous other pieces of legislation that would lift the burden that has been placed on individuals and small businesses alike.

Most recently, I introduced the Obamacare Opt-Out Act with Senator BARRASSO in this Congress, which would give Americans the freedom to opt-out of the individual mandate for health insurance coverage required by ObamaCare. It is critical that we eliminate this costly mandate which is estimated to cost Americans who decide not to enroll in ObamaCare roughly \$695 per adult and \$347 per child in 2016 and even more in the years ahead.

This legislation we will vote on today takes an even bigger step forward in freeing Americans from the harmful effects of this law. It provides relief to individuals and employers alike by eliminating costly penalties for those who fail to comply with ObamaCare's mandate. It repeals draconian tax increases—such as the medical device tax and the Cadillac tax—that have made health care more expensive and driven innovative companies to move critical operations and research and development overseas. It ensures that Americans will not experience any disruption in their health care coverage by delaying the implementation date by 2 years. Most importantly, it gets the government out of the way and puts patients in charge of their health care decisions and needs.

The fact is, we can repeal and replace ObamaCare with health care policies that work. For years I have underscored commonsense policy alternatives, such as providing Americans with a direct, refundable tax credit to help them pay for private health care, expanding the benefits of health savings accounts, passing medical liability reform, or "tort reform," and extending the freedom to purchase health care across State lines. These are proposals that would provide immediate relief to Americans and my fellow Arizonans who have been left to choose between buying groceries or paying for health insurance under ObamaCare.



Perhaps the greatest flaw in President Obama's health care law is that it has severely limited consumers' access to quality care. Today, limited access is now commonplace, costs are increasing, and government bureaucrats remain at the center of an individual's health care decisions.

It is clear that any serious attempt to improve our health care system must begin with full repeal and replacement of ObamaCare—a mission I remain fully committed to fighting on behalf of the people of Arizona.

I urge my colleagues to vote yes on this critically important bill today. It will build a bridge from the President's broken promises to a better health care system for hard-working families in Arizona and across the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that during the vote series related to H.R. 3762, there be 2 minutes equally divided between each vote and that the first votes in the series be in relation to the Murray amendment No. 2876 and the Johnson amendment No. 2875, with a 60-vote affirmative threshold required for adoption.

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

Mr. ENZI. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, we are on the verge of a series of votes, and we are also just a few days away from the third anniversary of the hideous and horrific shootings at Sandy Hook.

Once again, the unspeakable has happened in America. The mass murders in San Bernardino reminds us of the inaction by this body. Congress has become complicit by its inaction in this mass slaughter which continues in America. Yet, listening to the debate on the floor, one would think it is business as usual.

We are debating whether to repeal the Affordable Care Act again. How many times have we voted on that issue? How many times have we voted to defund Planned Parenthood? Yet what we see on the floor of the Senate and throughout Congress is a shrug of the shoulders. It can't be done or won't be done.

Now is the time for action. We are past the point of platitudes and prayers. We need them. San Bernardino deserves them. But prayers, thoughts, and hearts need to be matched by action. The time for action is now. We need to pass sensible, commonsense measures that will make America safer and better.

There is no single solution or panacea to stop gun violence, but inaction is not an option. A shrug of the shoulders is not acceptable. That is not what we were elected to do. We were elected to act and provide solutions. Strong laws, such as what we have in Con-

necticut, are a good start, but State laws will not prevent guns from crossing borders from States without strong laws. The States with the strongest laws are at the mercy of States with the weakest protection because borders are porous.

The question in America today is, What will it take—30,000 deaths a year, a mass shooting every day? A mass shooting is four or more individuals shot. What will it take for this body to act?

We are not going away. We are not giving up. We are not abandoning this fight. We are on the right side of history, and we will prevail. Today will be an opportunity to show which side we are on.

I urge my colleagues to support these sensible, commonsense amendments which will at least take a step—by no means a complete or even a fully adequate step—in the right direction.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, this week we have been debating the future of ObamaCare, which still remains unworkable, unaffordable, and more unpopular than ever. For millions of Americans, the law today represents nothing more than broken promises, higher costs, and fewer choices. Recent polling shows that most Americans still oppose this unprecedented expansion of government intrusion into health care decisions for hard-working families and small businesses.

That is why Leader McConnell promised that we would send a bill to the President's desk repealing ObamaCare using budget reconciliation, and that is exactly what we are doing. There is a special provision under the budget that allows us to send a bill to the desk with a majority of votes in the House and a majority of votes in the Senate. The majority of votes in the House has occurred, and now we are debating changes to that bill.

The amendment's repeal of ObamaCare allowed under the rules of reconciliation—including its taxes, regulations and mandates—sets the stage for real health care reforms that strengthen the doctor-patient relationship, expands choices, lowers health care cost, and improves access to quality, affordable, innovative health care for each and every American.

As I noted at the start of this debate, ObamaCare will crush American households with more than \$1 trillion in new taxes over the next 10 years. This means ObamaCare will cost taxpayers more than \$116 billion every year and result in smaller paychecks for families while holding back small businesses from expanding and hiring new workers. For hardworking taxpayers, ObamaCare has meant more government, more bureaucracy, and more rules and regulations, along with soaring health care costs and less access to care.

By the time we are done, the Senate-passed ObamaCare repeal will eliminate more than \$1 trillion in tax increases placed on the American people, while saving more than \$500 billion in spending. Lifting the burdens and higher costs the President's law has placed on all Americans will help the Nation move forward from ObamaCare's broken promises to a better health care system for hardworking families across the country.

ObamaCare contained more than \$1 trillion in tax hikes from over 20 different tax increases. These tax increases included a new excise tax on employer-sponsored insurance plans, the so-called "Cadillac tax," taxes on insurance providers, prescription drugs, medical devices, a new tax on investment income, and additional taxes and other restrictions on Health Savings Accounts, among others. Eliminating these taxes can help boost economic growth.

The Senate bill repeals \$1 trillion in tax increases included in ObamaCare: Cadillac tax, which would force companies to shift costs to employees or to reduce the value of the health care benefits they provide; medical device tax, which would harm healthcare innovation, stifle job creation, and increase the difficulty of delivering high quality patient care; health insurance tax, which would increase health insurance premiums; individual and employer mandates, which forced people to purchase a government defined level of health insurance; prescription drugs taxes, which would make critical medication more expensive; and health savings accounts tax, which would essentially make over-the-counter medicines more expensive by making them ineligible as qualified medical expenses.

According to the Congressional Budget Office, CBO, repealing ObamaCare would raise economic output, mainly by boosting the supply of labor. The resulting increase in public and private sector growth, GDP is projected to average .7 percent over the 2021 through 2025 period. Alone, those effects would reduce Federal overspending by \$216 billion over the 2016 to 2025 period according to the CBO and Joint Committee on Taxation, JCT, estimate.

ObamaCare included over \$800 billion in Medicare cuts. Instead of using those savings to strengthen and secure Medicare, the President, along with Congressional Democrats, took those funds and used them to create new entitlement programs. This bill ends the raid on Medicare to pay for ObamaCare and puts those funds back into Medicare, where they belong.

State exchanges were almost exclusively financed through \$5.4 billion in grant money from the Centers for Medicare and Medicaid Services, CMS. While costing billions of taxpayer dollars from hardworking families, most State exchanges have dramatically underperformed or failed. Some exchanges have received hundreds of millions of dollars in Federal grants, yet

are or were unable to accomplish their stated goal. In fact, recent news reports highlight more than \$474 million of taxpayer funds were spent on failed exchanges for Massachusetts, Oregon, Nevada, and Maryland. Our measure ends this waste of taxpayer dollars.

Medicaid spending currently consumes nearly a quarter of every State dollar, passing education as the largest state budgetary commitment. This expansion under ObamaCare includes an unsustainable and costly guarantee of 90 to 100 percent Federal funds that will likely be shifted back to the States as the Federal Government begins looking for ways to cut spending and addressing its almost \$19 trillion national debt. Most importantly, the bill provides for a transition to a more sustainable State partnership.

As I noted earlier, our Nation has made great strides in improving the quality of life for all Americans, but these transformative changes were always forged in the spirit of bipartisan compromise and cooperation. We still need health care reform, but it has to be done the right way. The bill the Senate will approve can help build a bridge from these broken promises to better care for each and every American.

I yield the floor to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

#### FARM BILL

Mr. GRASSLEY. Mr. President, I rise to speak about the 2014 farm bill and attempts to change it by Members of this Congress. The farm bill process was a long, hard, and frustrating exercise. Nobody got everything they wanted, but in the end we got a new bill for farmers across the country.

I believe our country needs good farm policy, which means an adequate, yet limited safety net for farmers.

Our farmers face real, uncontrollable risks every year. The farm bill provides farmers with a number of programs that help mitigate those risks. That is why I was very concerned when I learned the budget deal was cutting \$3 billion from the Federal crop insurance program.

That cut would have forced the Risk Management Agency at the Department of Agriculture to renegotiate the Standard Reinsurance Agreement next year and save \$300 million per year. These cuts were almost universally opposed by rural America. Lenders, commodity groups, input suppliers, and many others opposed the cuts to the crop insurance program.

Beyond being bad policy, I opposed the crop insurance cuts because—like many of my colleagues on both the House and Senate Agriculture committees—I do not support reopening the 2014 farm bill. I am very glad the highway bill is going to reverse these cuts to the crop insurance program.

I also want to speak to the importance of not reopening the farm bill in the omnibus.

Section 739 of the House Agriculture Appropriations bill reauthorized commodity certificates. For those who don't remember what commodity certificates are, they are a way around payment limits. The language in the House bill specifically directs the USDA to administer commodity certificates as they were in 2008 when they were not subject to any payment limits at all.

I want to be very clear so there is no misunderstanding by those in this body or the agriculture lobby. Section 739 of the House Agriculture Appropriations bill brings back commodity certificates, which reopens the 2014 Farm Bill. If the agriculture community wants to be taken seriously, we should heed our own advice and not reopen the Farm Bill by reauthorizing commodity certificates.

I am opposing cuts to the crop insurance program today because that would reopen the farm bill. I hope tomorrow I don't have to oppose commodity certificates in the Omnibus because a few people want to reinstate unlimited farm subsidies.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 2876

There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2876, offered by the Senator from Washington, Mrs. MURRAY.

Mrs. MURRAY. Mr. President, I am well aware that there are serious disagreements between Republicans and Democrats when it comes to women's health, but I would hope that despite our disagreements, they would at least allow us to vote on the important amendment I have offered to strike the harmful language defunding Planned Parenthood in this legislation and replace it with a new fund to support women's health care and clinic safety for staff and patients. Unfortunately, apparently my Republican colleagues are going to choose instead to just simply push this amendment aside and everything with it that we are doing for women and families.

Well, Planned Parenthood doctors and staff are not going to be pushed aside, even by the terrible violence we have seen all too often at women's health clinics. They are keeping their doors open. And the women and families who rely on these centers for their care and who believe women should be able to make their own choices aren't letting the political attacks we have seen today get in their way. They are standing up for what they believe.

While Republicans may want to avoid taking this tough vote, Democrats are going to keep making it very clear ex-

actly where we stand: with Planned Parenthood and with women across the country.

I urge my colleagues to vote against the tabling amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment.

Senator MURRAY proposes to establish a new women's health care and clinic safety and security fund to ensure that, among other goals, all women and men have access to health care services without threat of violence. No one disagrees with the goal of making sure all Americans have access to health care without fearing threats or violence. We certainly don't condone any of the violence anywhere in the United States.

The best way to ensure that women and men have affordable health care is to pass this repeal bill and repeal ObamaCare. For every American, ObamaCare has meant more government, more bureaucracy, and more rules and regulations, along with soaring health care costs and less access to care.

The most effective solution to improving the quality of and access to women's health care is to lower the cost and provide access to health care, not to create another fund with another new tax. ObamaCare already contains more than \$1 trillion in new taxes, funding new and duplicative programs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I yield back any time, although evidently there is none.

Mr. President, I move to table the Murray amendment No. 2876 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 311 Leg.]

#### YEAS—54

Alexander	Ernst	Murkowski
Ayotte	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Coats	Hoeben	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Crapo	Manchin	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker

#### NAYS—46

Baldwin	Booker	Cantwell
Bennet	Boxer	Cardin
Blumenthal	Brown	Carper

Casey	Klobuchar	Sanders
Coons	Leahy	Schatz
Donnelly	Markey	Schumer
Durbin	McCaskill	Shaheen
Feinstein	Menendez	Stabenow
Franken	Merkley	Tester
Gillibrand	Mikulski	Udall
Heinrich	Murphy	Warner
Heitkamp	Murray	Warren
Hirono	Nelson	Whitehouse
Kaine	Peters	Wyden
King	Reed	
Kirk	Reid	

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the remaining votes be 10 minutes in length and that the following amendments be in order following disposition of the Johnson amendment: the Brown-Wyden amendment No. 2883 and the Collins amendment No. 2885.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### AMENDMENT NO. 2875

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2875, offered by the Senator from Wisconsin, Mr. JOHNSON.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, on June 15, 2009, President Obama went to the American Medical Association to sell his health care plan to the doctors and to the American people. President Obama addressed the doctors, and he 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 their relationship with their doctor. They trust you. And that means 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 will be able to keep your health care plan, period. No one will take that away, no matter what.

Now, Mr. President, we all know, unfortunately, that promise has been broken. So many people who supported the bill made that similar promise. But PolitiFact called it something else; they called it 2013's "Lie of the Year."

My amendment would restore that promise. My amendment would keep that promise to the American people.

I urge my colleagues, particularly those who made that promise—you have the opportunity to restore and convert that lie into a promise.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JOHNSON. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I strongly oppose the amendment that has just been described. Our colleague from Wisconsin is seeking to bring back the so-called grandfathered health plans that existed between 2010 and the end of 2013. My view is that this is something of a health care Frankenstein. All the plans that were grandfathered

on December 31, 2013, and disappeared on that date would somehow be magically brought back to life by the Senator from Wisconsin. That is not the way the private health insurance market works in America. Many of the plans that were in existence on December 31, 2013, don't exist anymore. In the private market, which I support, plans change continually. Plans changed in 2014 and they changed again at the beginning of 2015.

It seems to me that what this amendment does is it distorts the private marketplace. I urge my colleagues to oppose it.

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2875.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 312 Leg.]

#### YEAS—56

Alexander	Enzi	Murkowski
Ayotte	Ernst	Paul
Barrasso	Fischer	Perdue
Bennet	Flake	Portman
Blunt	Gardner	Risch
Boozman	Graham	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Kirk	Thune
Cotton	Lankford	Tillis
Crapo	Lee	Toomey
Cruz	McCain	Vitter
Daines	McConnell	Wicker
Donnelly	Moran	

#### NAYS—44

Baldwin	Heitkamp	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Sanders
Brown	Klobuchar	Schatz
Cantwell	Leahy	Schumer
Cardin	Manchin	Shaheen
Carper	Markey	Stabenow
Casey	McCaskill	Tester
Coons	Menendez	Udall
Durbin	Merkley	Warner
Feinstein	Mikulski	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Heinrich	Nelson	

The PRESIDING OFFICER (Mr. HOEVEN). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Ohio.

Mr. BROWN. Mr. President, I have the floor for Senator ENZI and myself.

#### AMENDMENT NO. 2883 TO AMENDMENT NO. 2874

(Purpose: To maintain the 100 percent FMAP for the Medicaid expansion population)

I call up amendment No. 2883.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. BROWN] proposes an amendment numbered 2883 to amendment No. 2874.

Mr. BROWN. 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 the RECORD of December 2, 2015, under "Text of Amendments.")

The PRESIDING OFFICER. There is now 2 minutes of debate on the amendment.

The Senator from Ohio.

Mr. BROWN. Mr. President, the Brown-Casey-Wyden-Stabenow-Hirono amendment would permanently extend the Medicaid expansion matching rate at 100 percent. It would help strengthen Medicaid for 71 million Americans who rely on this program for quality, affordable health insurance.

Because of the ACA, more Americans can access comprehensive affordable care. Because of the Affordable Care Act, people in my State—600,000 Ohioans—now have Medicaid and affordable health insurance, in addition to other provisions of ACA. The best way to support States that have expanded Medicaid is by making the enhanced FMAP permanent.

Mr. President, that means States will now bear none of the cost of Medicaid expansion. We would pay for this amendment by closing corporate tax loopholes. It would provide States with fiscal security and free up State Medicaid budgets, as I have heard Senator ALEXANDER talk about so often. It would free up State Medicaid budgets for higher education and other kinds of State expenditures.

I encourage my colleagues to do the right thing and provide health care and to do smart budgeting.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment. I refuse to ask more American taxpayers, who have sacrificed so much already, to satiate the boundless Washington appetite for spending. Spending on Medicaid has experienced a 137 percent increase from \$200 billion in 2000 to \$476 billion in 2014, and many expect those figures to increase.

We all want individuals to have access to high quality health insurance. However, a 2011 study found that 31 percent of doctors are unwilling to accept new Medicaid patients. How can Americans access quality health care if doctors will not treat them?

Most importantly, adding more people to Medicaid will lead to a loss of jobs. A 2013 study concluded that for every 21 million adults who joined Medicaid, the economy will employ 511,000 to 2.2 million fewer people. The Obama recovery is a jobless recovery, and I refuse to exacerbate the unemployment. Instead of adding more and more people to the rolls of a failing Medicaid program—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. Mr. President, the pending amendment No. 2883 offered by the Senator from Ohio would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 45, nays 55, as follows:

[Rollcall Vote No. 313 Leg.]

#### YEAS—45

Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Sanders
Brown	Klobuchar	Schatz
Cantwell	Leahy	Schumer
Cardin	Manchin	Shaheen
Casey	Markey	Stabenow
Coons	McCaskill	Tester
Donnelly	Menendez	Udall
Durbin	Merkley	Warner
Feinstein	Mikulski	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden

#### NAYS—55

Alexander	Ernst	Paul
Ayotte	Fischer	Perdue
Barrasso	Flake	Portman
Blunt	Gardner	Risch
Boozman	Graham	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Carper	Heller	Sasse
Cassidy	Hoeven	Scott
Coats	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johnson	Sullivan
Corker	Kirk	Thune
Cornyn	Lankford	Tillis
Cotton	Lee	Toomey
Crapo	McCain	Vitter
Cruz	McConnell	Wicker
Daines	Moran	
Enzi	Murkowski	

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 55.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the next amendments in order be the following: Casey, No. 2893; and Heller, No. 2882.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine.

AMENDMENT NO. 2885 TO AMENDMENT NO. 2874

Ms. COLLINS. Mr. President, I call up amendment No. 2885.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 2885 to amendment No. 2874.

Ms. COLLINS. 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:

Strike section 101.

Ms. COLLINS. Mr. President, this amendment, which I offer with my colleagues Senator MURKOWSKI and Senator KIRK, would strike the provisions that would eliminate Federal funding, including Medicaid reimbursements, for Planned Parenthood. Otherwise, the likely result would be the closure of several hundred clinics across the country, depriving millions of women of the health care provider of their choice.

I want to make clear that our amendment does not include any new spending, it does not increase taxes, and it retains the current Hyde amendment language, which prohibits the use of Federal funds for abortions except in cases of rape, incest or where the life of the mother is at risk.

I urge adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, Senator COLLINS, who is my friend and colleague from Maine, would strike a provision in this bill defunding Planned Parenthood and would continue directing Federal funds to that organization.

Earlier this year, I joined Senator ERNST, Senator PAUL, and other colleagues, and we introduced legislation that prohibits taxpayer dollars from funding Planned Parenthood and reasserts Congress's support for directing those funds to current providers of women's health care.

We absolutely should support health care choices for women. But Planned Parenthood is the single largest provider of abortions in the country. Directing increased taxpayer dollars to community health centers provides quality health care options to women without supporting the largest provider of abortions in the country. I urge my colleagues to oppose this amendment.

I yield back.

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 314 Leg.]

#### YEAS—48

Baldwin	Gillibrand	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Peters
Booker	Hirono	Reed
Boxer	Kaine	Reid
Brown	King	Sanders
Cantwell	Kirk	Schatz
Cardin	Klobuchar	Schumer
Carper	Leahy	Shaheen
Casey	Markey	Stabenow
Collins	McCaskill	Tester
Coons	Menendez	Udall
Donnelly	Merkley	Warner
Durbin	Mikulski	Warren
Feinstein	Murkowski	Whitehouse
Franken	Murphy	Wyden

#### NAYS—52

Alexander	Fischer	Perdue
Ayotte	Flake	Portman
Barrasso	Gardner	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Heller	Sasse
Cassidy	Hoeven	Scott
Coats	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	Manchin	Toomey
Cruz	McCain	Vitter
Daines	McConnell	Wicker
Enzi	Moran	
Ernst	Paul	

The amendment (No. 2885) was rejected.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2893 TO AMENDMENT NO. 2874

(Purpose: To amend the Internal Revenue Code of 1986 to establish a credit for married couples who are both employed and have young children, and for other purposes)

Mr. CASEY. Mr. President, I call up amendment No. 2893.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY] proposes an amendment numbered 2893 to amendment No. 2874.

Mr. CASEY. 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.")

Mr. CASEY. Mr. President, I rise to talk about an amendment that deals with a fundamental issue for working families, and that is the cost childcare. By way of example, the weekly cost of childcare in Pennsylvania, roughly over the last 30 years, has gone up by 70 percent. In a State like ours that can mean over \$10,600 per infant per family. We want to make sure this credit is fully available to working families. We want to increase the maximum amount to \$3,000. Finally, we want to make sure it is fully refundable.

This amendment is paid for by off-sets.

I thank Senator BALDWIN for the great work she did with us on this amendment.

I ask unanimous consent that Senators MURRAY and REED of Rhode Island be added as cosponsors of this amendment.

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

The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment.

Senators CASEY and BALDWIN have proposed an amendment to further shift the tax burden onto high-income taxpayers. It would pay for new tax credits with the Buffett tax through taxing foreign inversion corporations as domestic and by expanding limitations on executive compensation deductibility.

This legislation is not the place to add one-sided cuts that have not been included in regular order negotiations going on between Congress and the administration and in the Finance Committee.

Further, passing this reconciliation legislation will repeal a dozen new taxes used to offset the cost of ObamaCare.

Comprehensive tax reform is needed to examine our system of credits and deductions to create a pro-growth tax policy across income spectrums, but not in this bill.

Washington already takes over \$3 trillion per year from the American public, which is more than enough to fund necessary government functions. Increasing the tax burden on the most successful Americans discourages the work and jobs and investment necessary to grow America's economy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I ask my colleagues to oppose this amendment.

Mr. President, the pending amendment No. 2893 offered by Senator CASEY would cause the underlying legislation to exceed the authorizing committees's 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 315 Leg.]

#### YEAS—46

Baldwin	Booker	Cantwell
Bennet	Boxer	Cardin
Blumenthal	Brown	Carper

Casey  
Coons  
Donnelly  
Durbin  
Feinstein  
Franken  
Gillibrand  
Heinrich  
Heitkamp  
Hirono  
Kaine  
King  
Klobuchar

Leahy  
Manchin  
Markey  
McCaskill  
Menendez  
Merkley  
Mikulski  
Murphy  
Murray  
Nelson  
Peters  
Reed  
Reid

Sanders  
Schatz  
Schumer  
Shaheen  
Stabenow  
Tester  
Udall  
Warner  
Warren  
Whitehouse  
Wyden

#### NAYS—54

Alexander  
Ayotte  
Barrasso  
Blunt  
Boozman  
Burr  
Capito  
Cassidy  
Coats  
Cochran  
Collins  
Corker  
Cornyn  
Cotton  
Crapo  
Cruz  
Daines  
Enzi

Ernst  
Fischer  
Flake  
Gardner  
Graham  
Grassley  
Hatch  
Heller  
Hoeven  
Inhofe  
Isakson  
Johnson  
Kirk  
Lankford  
Lee  
McCain  
McConnell  
Moran

Murkowski  
Paul  
Perdue  
Portman  
Risch  
Roberts  
Rounds  
Rubio  
Sasse  
Scott  
Sessions  
Shelby  
Sullivan  
Thune  
Tillis  
Toomey  
Vitter  
Wicker

The PRESIDING OFFICER (Mr. RUBIO). On this vote, the yeas are 46, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Wyoming.

Mr. ENZI. Mr. President, continuing this advanced notice of what is coming up, I ask unanimous consent that the next amendment in order be the following: Shaheen amendment No. 2892.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nevada.

AMENDMENT NO. 2882 TO AMENDMENT NO. 2874

Mr. HELLER. Mr. President, I call up my amendment No. 2882.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. HELLER] proposes an amendment numbered 2882 to amendment No. 2874.

Mr. HELLER. 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 strike the reinstatement of the tax on employee health insurance premiums and health plan benefits)

On page 5, beginning with line 24, strike through page 6, line 3.

Mr. HELLER. Mr. President, my amendment postpones the implementation of the Cadillac tax for the next 10 years. I think that is a good start on the legislation we have in front of us today. In fact, I think it is a great start, but I think we ought to take the next step. The next step is to repeal it altogether, and that is exactly what this amendment does. It is the only bipartisan piece of legislation that does just that.

To that end, I thank the Senator from New Mexico, Mr. HEINRICH, for his

help and support in moving this legislation forward to where we are today.

Mr. President, there is no opposition to this legislation. There is no opposition in America to this legislation. I have 83 groups and organizations around this country. Unions support this amendment. The Chamber supports this amendment. Seniors support this amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. We yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

Mr. HELLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 316 Leg.]

#### YEAS—90

Alexander  
Ayotte  
Baldwin  
Barrasso  
Bennet  
Blumenthal  
Blunt  
Booker  
Boozman  
Brown  
Burr  
Cantwell  
Capito  
Cardin  
Casey  
Cassidy  
Cochran  
Collins  
Coons  
Cornyn  
Cotton  
Crapo  
Cruz  
Daines  
Donnelly  
Enzi  
Ernst  
Feinstein  
Fischer  
Flake

Franken  
Gardner  
Gillibrand  
Graham  
Grassley  
Hatch  
Heinrich  
Heitkamp  
Heller  
Hirono  
Hoeven  
Inhofe  
Isakson  
Johnson  
King  
Kirk  
Klobuchar  
Lankford  
Leahy  
Lee  
Markey  
McCain  
McConnell  
Menendez  
Merkley  
Mikulski  
Moran  
Murkowski  
Murphy  
Murray

Nelson  
Paul  
Perdue  
Peters  
Portman  
Reed  
Reid  
Risch  
Roberts  
Rounds  
Rubio  
Sanders  
Schatz  
Schumer  
Scott  
Sessions  
Shaheen  
Shelby  
Sullivan  
Thune  
Tillis  
Toomey  
Udall  
Vitter  
Warren  
Whitehouse  
Wicker  
Wyden

#### NAYS—10

Boxer  
Carper  
Coats  
Corker

Durbin  
Kaine  
Manchin  
McCaskill

Sasse  
Warner

The amendment (No. 2882) was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the next amendments in order be the following: Cornyn amendment No. 2912 and Feinstein amendment No. 2910.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ENZI. Mr. President, for the information of my colleagues, I expect the amendments next in order after those will be Grassley amendment No. 2914, followed by Manchin amendment No. 2908, but that is not locked in yet.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2892 TO AMENDMENT NO. 2874

(Purpose: To improve mental health and substance use prevention and treatment)

Mrs. SHAHEEN. Mr. President, I call up amendment No. 2892.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN] proposes an amendment numbered 2892 to amendment No. 2874.

Mrs. SHAHEEN. 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.")

Mrs. SHAHEEN. Mr. President, we are facing a public health emergency in New Hampshire and States across the country. Heroin and opioid abuse are at epidemic levels. This is important because it affects every State that is represented on the Senate floor. Each day, 120 Americans die of drug overdose; that is 2 deaths every hour. In New Hampshire we are losing one person every day from drug overdose. Drug overdose deaths have exceeded car crashes as the No. 1 cause of fatalities in this country.

This amendment recognizes that this is a public health emergency and that we need to provide additional resources to address it.

It does three things. First, it ensures that all health plans bought on the exchange cover mental health and addiction-related benefits. Second, it eliminates the Medicaid coverage exclusion that currently prohibits reimbursement for critically important inpatient facilities that treat mental illness. That is the 16-bed limit on those inpatient treatment facilities. Finally, it provides much needed funding to help States, municipalities, and their implementing partners prevent and treat mental illness and substance use disorders.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. SHAHEEN. This is a public health emergency. This amendment is fully paid for. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment. I share my colleague's concern with the current state of mental health and substance abuse policies in the United States. Our health care system in many ways has failed to treat those who need care most desperately. However, as deeply as I believe we must strengthen mental health, I believe we have to do it right.

Consideration of mental health legislation should be thoughtful and should examine the real barriers to appropriate treatment. Simply throwing more money at the problem has proven time and again to be ineffective. That

is why I am proud of the work being done by the Health, Education, Labor and Pensions Committee. Chairman ALEXANDER, Ranking Member MURRAY, and 26 other Senators, including me, support the Mental Health Awareness and Improvement Act. That bill takes important steps to increase mental health awareness, prevention, and education; encourages the sharing of relevant mental health information; and assesses the barriers to integrating mental and behavioral health into primary care. It is a good step and should be done through the committee process.

I thank Senator SHAHEEN for offering this amendment and support the intent, but it has to be done right. And this increases taxes.

Mr. President, the pending amendment No. 2892 offered by Senator SHAHEEN would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—47

Ayotte	Franken	Murray
Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Collins	McCaskill	Udall
Coons	Menendez	Warren
Donnelly	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murphy	

NAYS—52

Alexander	Cornyn	Graham
Barrasso	Cotton	Grassley
Blunt	Crapo	Hatch
Boozman	Cruz	Heller
Burr	Daines	Hoeben
Capito	Enzi	Inhofe
Cassidy	Ernst	Isakson
Coats	Fischer	Johnson
Cochran	Flake	Kirk
Corker	Gardner	Lankford

Lee	Risch	Sullivan
McCain	Roberts	Thune
McConnell	Rounds	Tillis
Moran	Rubio	Toomey
Murkowski	Sasse	Vitter
Paul	Scott	Wicker
Perdue	Sessions	
Portman	Shelby	

NOT VOTING—1

Warner

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The majority whip.

AMENDMENT NO. 2912 TO AMENDMENT NO. 2874

Mr. CORNYN. Mr. President, I call up amendment No. 2912.

The PRESIDING OFFICER (Mr. CASSIDY). The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2912 to amendment No. 2874.

Mr. CORNYN. 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.")

Mr. CORNYN. Mr. President, this is an alternative to the Feinstein amendment we will be voting on next. Under the Feinstein amendment, the government without due process can take away from you valuable constitutional rights. They happen to be Second Amendment rights without notice and the opportunity to be heard. If you believe that the Federal Government is omniscient and all competent, vote for the Feinstein amendment, but I wish to point out that even our former colleague Teddy Kennedy was on this terror watch list at one point. Despite numerous efforts to try to get off of it, he never could—as well as our friend Catherine Stevens, former Ted Stevens' spouse.

My amendment would provide that due process, notice, and an opportunity to be heard, and provide new tools and increased authorities to prevent terrorism and prevent violence by blocking the transfer of firearms following that notice and opportunity to be heard, which would also give the judicial authority an opportunity to grant an emergency terrorism order which would actually detain the person who is identified and proven to be a terrorist.

I encourage my colleagues to support this amendment, to give law enforcement the ability to take terrorists off the streets and prevent them from obtaining firearms while preserving important constitutional rights of law-abiding Americans.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I have great respect for the senior Senator from Texas, a former member of the Texas Supreme Court. How he could



make an argument like this is beyond my ability to comprehend.

This Republican amendment ties the hands of law enforcement. This amendment doesn't keep terrorists from getting guns. It simply delays their efforts for up to 72 hours. This amendment means that all a lawyer needs to do is gum up the works for a short time and an FBI terrorist suspect can walk away with a firearm—a legal firearm. That would be relatively easy to do. There are a lot of lawyers in this Chamber. Courts can't do virtually anything in 72 hours. How long does it take to shoot up a school, a mall, someone's home? Fifteen minutes? Five minutes? You could be on the terrorist watch list, go buy a gun, and let the time go by.

This is outrageous that people would try to run from this amendment. If you are on a terrorist watch list, you shouldn't be able to buy a gun. This would allow a terrorist to not only buy a gun but keep it for up to 72 hours.

The second aspect of this amendment is equally alarming. It takes money away from law enforcement. Here again, we are voting on something again and again. We already voted down this Vitter amendment, sanctuary cities bill, last month, which strips all local law enforcement from vital Federal community policing grants.

I am using a little bit of my leader time right now.

This strips local law enforcement from vital Federal community policing grants, targeted public safety and to build community trust. It cuts community development block grants, and the purpose of this is to ensure affordable housing and provide services to the most vulnerable in our communities.

Very quickly, this amendment takes the FBI out of the equation when it comes to keeping guns away from terrorists, and it takes away from local law enforcement agencies, threatening public safety. Is it any wonder that this is an anti-law enforcement amendment?

The legislation is opposed by the Fraternal Order of Police, Major Cities Chiefs Association, United States Conference of Mayors, and many others. This is a dangerous amendment. First of all, to use Senator Kennedy, let him be on the watch list. He is not going to go buy a gun and hurt anybody. These ridiculous assertions are just that—ridiculous. We are trying to say if you are on a watch list as being a terrorist, you shouldn't be able to buy a gun. It is as simple as that. My friend the Senator from California will lay this out. She has been the leader on guns in this Chamber for two decades.

Mr. CORNYN addressed the Chair.

The PRESIDING OFFICER. No time for debate remains.

Mr. CORNYN. Mr. President, I ask unanimous consent for 10 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, to accept the argument of the Democratic leader, you would have to believe that the Federal Government is always right and is all-knowing and can deprive you of valuable constitutional rights without giving notice and an opportunity to be heard in front of an impartial tribunal—a judge. That is what the Democratic leader is suggesting. I think it is wrong and it is un-American. It violates the very core constitutional protections afforded to all Americans.

I urge Senators to vote for my alternative to the Feinstein amendment and against the Feinstein amendment, which would deprive people of their due process rights under the Constitution.

Mr. REID. Mr. President, there is nothing unconstitutional about keeping a terrorist from buying a gun. That is what this is all about. Do we want people on a terrorist watch list to go buy a gun? The answer is no. That is what this amendment is all about. The Senator from California will explain it.

I raise a point of order against this ridiculous amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of the applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of amendment No. 2912, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 318 Leg.]

#### YEAS—55

Alexander	Ernst	Paul
Ayotte	Fischer	Perdue
Barrasso	Flake	Portman
Blunt	Gardner	Risch
Boozman	Graham	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	Manchin	Toomey
Cruz	McCain	Vitter
Daines	McConnell	Wicker
Donnelly	Moran	
Enzi	Murkowski	

#### NAYS—44

Baldwin	Booker	Cantwell
Bennet	Boxer	Cardin
Blumenthal	Brown	Carper

Casey	Klobuchar	Reid
Coons	Leahy	Sanders
Durbin	Markley	Schatz
Feinstein	McCaskill	Schumer
Franken	Menendez	Shaheen
Gillibrand	Merkley	Stabenow
Heinrich	Mikulski	Tester
Heitkamp	Murphy	Udall
Hirono	Murray	Warren
Kaine	Nelson	Whitehouse
King	Peters	Wyden
Kirk	Reed	

#### NOT VOTING—1

Warner

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Wyoming.

Mr. ENZI. Mr. President, continuing to march through the amendments, I ask unanimous consent that the next amendments in order be the following: Grassley amendment No. 2914 Manchin amendment No. 2908.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

AMENDMENT NO. 2910 TO AMENDMENT NO. 2874

(Purpose: 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)

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 2910.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 2910 to amendment No. 2874.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. FEINSTEIN. Mr. President, I rise to speak on an amendment which is identical to a bill I have introduced with Republican Congressman PETER KING. This amendment was proposed by the Bush administration's Department of Justice in 2007. It would allow the Attorney General to prevent a person from buying a gun or explosive if, one, the recipient is a known or suspected terrorist; and, two, the Attorney General has a reasonable belief that the recipient would use the firearm in connection with a terrorist act.

The bill has very broad law enforcement support, including the Major Cities Chiefs Association and the International Association of Chiefs of Police. New York Police Commissioner Bill Bratton, who was also chief of the Los Angeles Police Department, recently said on Meet the Press:

If Congress really wants to do something instead of just talking about something, help us out with that Terrorist Watch List, those thousands of people that can purchase firearms in this country. I'm more worried about them than I am about Syrian refugees, to be quite frank with you.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, if you believe the Federal Government should be able to deprive an American citizen of one of their core constitutional rights without notice and an opportunity to be heard, then you should vote for the Senator's amendment. This is not the way we are supposed to do things in this country. If you think that the Federal Government never makes a mistake and that presumptively the decisions the Federal Government makes about putting you on a list because of some suspicions, then you should vote for the Senator's amendment. But we all know better than that. I have used the example of Teddy Kennedy, Captain Stevens, and others who were placed on these lists.

At the very least we ought to provide those individuals with an opportunity to be notified, and they should have a right to be heard by an impartial judicial tribunal to make those decisions.

I urge my colleagues to vote against the Senator's amendment.

I have one other reason. The whole purpose of this amendment is to destroy the privileged status of this reconciliation bill. If this bill passes, it will destroy our ability to pass this reconciliation bill with 51 votes.

Again, I urge all of my colleagues to vote against it.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, the pending amendment No. 2910, offered by Senator FEINSTEIN, contains matter that is not within the jurisdiction of the Finance Committee or the HELP Committee, and it is extraneous to H.R. 3762, a reconciliation bill. Therefore, I raise a point of order against the amendment pursuant to section 313(b)(1)(C) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—45

Baldwin	Gillibrand	Murray
Bennet	Heinrich	Nelson
Blumenthal	Hirono	Peters
Booker	Kaine	Reed
Boxer	King	Reid
Brown	Kirk	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Leahy	Schumer
Carper	Manchin	Shaheen
Casey	Markey	Stabenow
Coons	McCaskill	Tester
Donnelly	Menendez	Udall
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden

NAYS—54

Alexander	Ernst	Murkowski
Ayotte	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heitkamp	Rubio
Coats	Heller	Sasse
Cochran	Hoeven	Scott
Collins	Inhofe	Sessions
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker

NOT VOTING—1

Warner

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, after we finish the Grassley amendment and the Manchin amendment, I ask unanimous consent that the next amendments in order be the following: Bennet No. 2907 and Paul No. 2899.

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

The Senator from Iowa.

AMENDMENT NO. 2914 TO AMENDMENT NO. 2874  
(Purpose: To address gun violence, improve the availability of records to the National Instant Criminal Background Check System, address mental illness in the criminal justice system, and end straw purchases and trafficking of illegal firearms, and for other purposes)

Mr. GRASSLEY. Mr. President, I call up amendment No. 2914.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2914 to amendment No. 2874.

Mr. GRASSLEY. 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.")

Mr. GRASSLEY. The Manchin-Toomey amendment that is going to be up next, I am told, won't prevent the next shooting or reduce crime or fix

our mental health system. We need to also be worried about protecting the Second Amendment.

My amendment addresses the Obama administration's reduction in gun prosecutions by providing money to expand Project Exile and funding for prosecuting felons and fugitives who fail background checks, targeted to the highest crime jurisdictions. It criminalizes straw purchasing and gun trafficking, provides more resources for Secure Our Schools grants, and increases funding for mental health initiatives. It incentivizes States to provide mental health records to the background check database, clarifies what records should be submitted to the NCIS system, and it provides that military members can buy firearms in their State of residence or where they are stationed, so that what happened in Chattanooga doesn't happen again. Finally, this amendment also reduces funding to those municipalities that continue to defy the law with regard to the enforcement of immigration offenses, otherwise known as sanctuary cities.

I ask for adoption of the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the victims of gun violence and their families deserve more than a moment of silence; they deserve a moment of sanity.

We have coming before us a proposal by a Republican Senator and a Democratic Senator, Senator TOOMEY and Senator MANCHIN, a proposal to close the loopholes so that people who are convicted felons and people who are mentally unstable cannot buy firearms. Unfortunately, in the 100-page amendment being offered by the Senator from Iowa, exactly the opposite occurs. The loopholes are opened. When it comes to background checks, unfortunately, this doesn't do anything.

It does do one thing: It reduces the amount of money available to police departments and COP grants all across the United States if the Senator disagrees with their immigration policy. That is why the Fraternal Order of Police opposes it.

Let's have a moment of sanity. Let's please vote no on the Grassley amendment.

Mr. President, I raise a point of order that the pending amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for the purposes of amendment No. 2914, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 320 Leg.]

#### YEAS—53

Alexander	Enzi	Paul
Ayotte	Ernst	Perdue
Barrasso	Fischer	Portman
Blunt	Flake	Risch
Boozman	Gardner	Roberts
Burr	Graham	Rounds
Capito	Grassley	Rubio
Cassidy	Hatch	Sasse
Coats	Heller	Scott
Cochran	Hoever	Sessions
Collins	Inhofe	Shelby
Corker	Isakson	Sullivan
Cornyn	Johnson	Thune
Cotton	Lankford	Tillis
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Daines	Moran	Wicker
Donnelly	Murkowski	

#### NAYS—46

Baldwin	Heitkamp	Nelson
Bennet	Hirono	Peters
Blumenthal	Kaine	Reed
Booker	King	Reid
Boxer	Kirk	Sanders
Brown	Klobuchar	Schatz
Cantwell	Leahy	Schumer
Cardin	Lee	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	McCaskill	Udall
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murphy	
Heinrich	Murray	

#### NOT VOTING—1

Warner

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from West Virginia.

AMENDMENT NO. 2908 TO AMENDMENT NO. 2874

(Purpose: To protect Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process)

Mr. MANCHIN. Mr. President, I call up my amendment No. 2908.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. MANCHIN] proposes an amendment numbered 2908 to Amendment No. 2874.

Mr. MANCHIN. 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.")

Mr. MANCHIN. Mr. President, I rise again today to offer this important piece of legislation with my good friend PAT TOOMEY. It is a bipartisan

piece of legislation. It makes all the sense in the world. Most of America supports the background checks that we are talking about.

As a law-abiding gun owner, I can assure you that basically I have been taught not to sell my gun to a stranger, not to sell my gun to a criminal, and not to sell my gun to someone who is severely mentally ill. That is how we were trained, and that is how most American law-abiding gun owners are trained. All this bill does is not infringe upon the rights of a personal transaction.

The only thing this piece of legislation does is to close a loophole in commercial transactions such as gun shows and Internet sales. I don't know if that person is a criminal. I don't know if that person is severely mentally ill. I just don't know that person. I was taught not to sell to that person or to give to that person unless I knew him.

This is the most commonsense idea supported by an overwhelming majority of Americans and an overwhelming majority of law-abiding gun owners in America.

I urge all of my colleagues on both sides of the aisle in this bipartisan legislation to please support this. It is basically something that is long, long overdue, and these tragedies continue to happen.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, on this side, we yield back all of our time.

Mr. President, the pending amendment No. 2908 contains matter that is not within the jurisdiction of the Finance or HELP Committee and is extraneous to H.R. 3762, a reconciliation bill. Therefore, I raise a point of order that the pending amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wisconsin (Mr. JOHNSON).

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 50, as follows:

[Rollcall Vote No. 321 Leg.]

#### YEAS—48

Baldwin	Blumenthal	Boxer
Bennet	Booker	Brown

Cantwell	King	Peters
Cardin	Kirk	Reed
Carper	Klobuchar	Reid
Casey	Leahy	Sanders
Collins	Manchin	Schatz
Coons	Markey	Schumer
Donnelly	McCain	Shaheen
Durbin	McCaskill	Stabenow
Feinstein	Menendez	Tester
Franken	Merkley	Toomey
Gillibrand	Mikulski	Udall
Heinrich	Murphy	Warren
Hirono	Murray	Whitehouse
Kaine	Nelson	Wyden

#### NAYS—50

Alexander	Ernst	Paul
Ayotte	Fischer	Perdue
Barrasso	Flake	Portman
Blunt	Gardner	Risch
Boozman	Graham	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Cassidy	Heitkamp	Sasse
Coats	Heller	Scott
Cochran	Hoever	Sessions
Corker	Inhofe	Shelby
Cornyn	Isakson	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McConnell	Vitter
Daines	Moran	Wicker
Enzi	Murkowski	

#### NOT VOTING—2

Johnson Warner

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 50.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Colorado.

AMENDMENT NO. 2907 TO AMENDMENT NO. 2874

Mr. BENNET. Mr. President, I call up amendment No. 2907.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BENNET] proposes an amendment numbered 2907 to amendment No. 2874.

The amendment is as follows:

(Purpose: To provide additional amounts to the Department of Veterans Affairs to increase the access of veterans to care and improve the physical infrastructure of the Department of Veterans Affairs and to impose a fair share tax on high-income taxpayers)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ADDITIONAL FUNDING TO INCREASE ACCESS OF VETERANS TO CARE AND IMPROVE PHYSICAL INFRASTRUCTURE OF DEPARTMENT OF VETERANS AFFAIRS.**

Notwithstanding any other provision of law, with respect to any increase in revenues received in the Treasury as the result of the enactment of section 59A of the Internal Revenue Code of 1986—

(1) \$20,000,000,000 shall be made available, without further appropriation, to carry out the purposes described in section 801(b) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 1701 note); and

(2) any remaining amounts shall be used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

**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) IMPOSITION 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.

Mr. BENNET. Mr. President, this amendment will help improve access to care for veterans all across the country and fill a huge unmet need. It provides funding to hire more doctors, nurses, social workers, and mental health professionals to serve our veterans. It will also help improve VA medical facilities by supporting upgrades and minor construction improvements.

In Colorado, our VA system has been plagued by long waiting times and a lack of access. Across the State, we have shortages of physicians, nurses, and mental health professionals, particularly in rural areas such as Alamosa and the San Luis Valley. We also know all too well in Colorado that much more accountability is needed within the VA, and we will continue to work to improve a bureaucracy that has plagued access to quality care.

The 400,000 veterans in Colorado and across the Nation deserve the best care we can offer. They deserve what they are fully paid for, and I urge my colleagues to vote yes on this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment. I commend my colleague from Colorado for working to advance the needs of veterans. However, Senator BENNET proposes a \$20-billion increase in spending paid for by a tax increase.

I believe the problem with Washington's finances is that our government spends too much and lives outside its means. I am continually working to

put our country's finances on a sustainable path so that more Americans can keep more of their hard-earned money. What we don't need are higher taxes, and we do need bills that go through the proper committees.

Congress has continually rejected this one-sided tax policy. Comprehensive tax reform is needed to examine our system of credits. Washington already takes \$3 trillion per year from the American public, which is more than enough to fund necessary government functions, provided we get through the regular process. So I urge my colleagues to oppose this.

Mr. President, the pending amendment No. 2907 would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, first, through the Chair, I say thank you to my colleague from Wyoming for his kind words about our efforts with respect to veterans.

Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable provisions of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 322 Leg.]

**YEAS—47**

Ayotte	Franken	Murray
Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Collins	McCaskill	Udall
Coons	Menendez	Warren
Donnelly	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murphy	

**NAYS—52**

Alexander	Cochran	Ernst
Barrasso	Corker	Fischer
Blunt	Cornyn	Flake
Boozman	Cotton	Gardner
Burr	Crapo	Graham
Capito	Cruz	Grassley
Cassidy	Daines	Hatch
Coats	Enzi	Heller

Hoeven	Murkowski	Sessions
Inhofe	Paul	Shelby
Isakson	Perdue	Sullivan
Johnson	Portman	Thune
Kirk	Risch	Tillis
Lankford	Roberts	Toomey
Lee	Rounds	Vitter
McCain	Rubio	Wicker
McConnell	Sasse	
Moran	Scott	

## NOT VOTING—1

Warner

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, next up of course will be the Paul amendment.

I ask unanimous consent that following the vote on that amendment, the next amendments in order be the following: Cardin amendment No. 2913 and Coats amendment No. 2888.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.  
The Senator from Kentucky.

AMENDMENT NO. 2899 TO AMENDMENT NO. 2874  
(Purpose: To prevent the entry of extremists into the United States under the refugee program, and for other purposes)

Mr. PAUL. Mr. President, I call up amendment No. 2899.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2899 to amendment No. 2874.

Mr. PAUL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. There is 2 minutes evenly divided.

Mr. PAUL. Mr. President, we spend hundreds of billions of dollars defending our country, and yet we cannot truly defend our country unless we defend our border. My bill would place pause on issuing visas to countries that are at high risk for exporting terrorists to us. My bill would also say to visa waiver countries that in order to come and visit, you would have to go through global entry, which would require a background check.

I urge Senators who truly do want to defend our country and have increased border security to vote for this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I hate to say this to my good friend from Kentucky, but this is a bumper sticker kind of amendment. It says it would keep us secure, but it would even stop tourists from visiting this country for at least 30 days.

Let's say you have a relative who is dying in this country, you will have to call them up and say: Don't die for at least 30 days so I can come over and say goodbye to you. It stops some of our closest allies in the Middle East. Jordan is probably our closest ally, and this legislation would stop us from issuing visas there.

It doesn't make us safer. It kills our tourist industry, it damages our economy, but most importantly it makes it look to the rest of the world like we are cowering in our shoes. I don't want to do that.

Mr. President, I raise a point of order that the pending amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974.

Mr. PAUL. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of the applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of amendment No. 2899, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand that there is going to be a request for a 60-vote margin on this vote. If my understanding of that is correct, I withdraw my point of order.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that there be a 60-vote threshold for adoption of this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

Mr. PAUL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 10, nays 89, as follows:

[Rollcall Vote No. 323 Leg.]

## YEAS—10

Barrasso	Lee	Shelby
Cruz	Moran	Vitter
Enzi	Paul	
Kirk	Sessions	

## NAYS—89

Alexander	Boxer	Cassidy
Ayotte	Brown	Coats
Baldwin	Burr	Cochran
Bennet	Cantwell	Collins
Blumenthal	Capito	Coons
Blunt	Cardin	Corker
Booker	Carper	Cornyn
Boozman	Casey	Cotton

Crapo	Kaine	Risch
Daines	King	Roberts
Donnelly	Klobuchar	Rounds
Durbin	Lankford	Rubio
Ernst	Leahy	Sanders
Feinstein	Manchin	Sasse
Fischer	Markey	Schatz
Flake	McCain	Schumer
Franken	McCaskill	Scott
Gardner	McConnell	Shaheen
Gillibrand	Menendez	Stabenow
Graham	Merkley	Sullivan
Grassley	Mikulski	Tester
Hatch	Murkowski	Thune
Heinrich	Murphy	Tillis
Heitkamp	Murray	Toomey
Heller	Nelson	Udall
Hirono	Perdue	Warren
Hoeven	Peters	Whitehouse
Inhofe	Portman	Wicker
Isakson	Reed	Wyden
Johnson	Reid	

## NOT VOTING—1

Warner

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that Senator MCCAIN be recognized to offer amendment No. 2884.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 2884 TO AMENDMENT NO. 2874

Mr. MCCAIN. Mr. President, I call up amendment No. 2884.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2884 to amendment No. 2874.

Mr. MCCAIN. 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 Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable drugs from approved pharmacies in Canada)

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.”.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MCCAIN. For how long?

The PRESIDING OFFICER. For 1 minute.

Mr. MCCAIN. Mr. President, I ask my colleagues to pay attention to the following: For a drug called Glumetza, the price in Canada is \$157 for 90 tablets; the price in the United States is \$4,643 for 90 tablets. Edecrin in Canada costs \$607 per vial; in the United States, it costs \$4,600 per vial. Biltricide costs \$10.50 per tablet in Canada and \$81 in the United States.

The list goes on and on.

My dear friends, let our citizens go to Canada and buy their prescription drugs. What is wrong with that? What is wrong with allowing them to be able to spend \$157 for 90 tablets in Canada instead of \$4,643 for 90 tablets? I will tell my colleagues what it is. It is the power of the pharmaceutical companies that will prevent us from letting Americans go to Canada and get those pharmaceuticals at a reasonable price.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MCCAIN. Tragically, because this will be subject to a 60-vote threshold—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. I ask unanimous consent for an additional 30 seconds.

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

Mr. MCCAIN. Tragically, some stooge of the pharmaceutical company will object on a budget point of order, so I will withdraw the amendment. But, my friends, you have not heard the last of this wonderful issue that I am having so much fun with but which is important to all of our constituents who are paying outrageous prices to the pharmaceutical companies.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senator from Arizona be given an additional half hour to explain his views.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 2884 WITHDRAWN

Mr. MCCAIN. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Maryland.

AMENDMENT NO. 2913 TO AMENDMENT NO. 2874

Mr. CARDIN. Mr. President, I call up amendment No. 2913.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 2913 to amendment No. 2874.

Mr. CARDIN. 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 Internal Revenue Code of 1986 to extend the special rule for seniors relating to the income level for deduction of medical care expenses and to require high-income taxpayers to pay a fair share of taxes)

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. \_\_\_\_ . 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) IMPOSITION 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.

Mr. CARDIN. Mr. President, I am not going to ask for a record vote on this amendment, and I hope that will help others try to move the process along.

This amendment is very similar to the next amendment, the Coats amendment, in that it is a clear indication that the Democrats understand that we want to extend the medical expense deduction of 7.5 percent threshold to seniors, which expires at the end of 2016. The difference is that we don't believe it should be paid for on the backs of our seniors, and that is why this amendment would have it paid for by a

minimum tax of 30 percent on those who earn over \$1 million dollars, the so-called Buffett rule.

The Coats amendment that is coming up next is on the backs of seniors by denying the indexing of the \$85,000 threshold for seniors to pay the additional Medicare premiums. I will have a chance to talk about that in a moment, but this amendment allows us to extend the medical expense deduction of 7.5 percent threshold but does it without attacking our seniors.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I want to thank the Senator from Maryland for being willing to take a voice vote, knowing that would be in the minority.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2913.

The amendment (No. 2913) was rejected.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2888 TO AMENDMENT NO. 2874

Mr. COATS. Mr. President, I call up amendment No. 2888.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 2888 to amendment No. 2874.

Mr. COATS. 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 Internal Revenue Code of 1986 to extend the special rule for seniors relating to the income level for deduction of medical care expenses, and for other purposes)

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”.

Mr. COATS. Mr. President, similarly, as Mr. CARDIN has said, what this does is to continue something that was put into the Affordable Care Act, a rise between 7.5 percent of adjusted gross in-

come before you can begin deducting to 10 percent of adjusted gross income before you can deduct. For seniors, an exemption was provided so that seniors could stay at the 7.5 percent level. This expires next year. My amendment essentially extends this for 7 years. It is to the benefit of seniors to do this. For those seniors who find excessive medical expenses facing them, this is something that was supported, obviously, by everyone across the aisle in the Affordable Care Act, and I am extending this for an additional 7 years with this amendment.

I urge my colleagues to support for low-income and middle-income seniors the excessive medical cost by adopting the amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I would urge my colleagues to vote against this amendment because of how it is paid for. Seniors who have \$85,000 of income have to pay a higher Part B premium today. We have indexed that because, as I think Members on both sides of the aisle agree, we believe that brackets should have that type of index so that our seniors are protected from inflationary growth.

The problem with the Coats amendment is that he removes that index through 2025. This is an attack on our seniors. There is no way that we should be paying for this worthwhile extender. I don't disagree with the extender, but I do take exception with paying for it on the backs of our seniors, and I urge my colleagues to reject the amendment.

Mr. COATS. Mr. President, if I could just respond.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 2888.

Mr. CARDIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER (Mr. SUL-LIVAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—60

Alexander	Crapo	Isakson
Ayotte	Cruz	Johnson
Barrasso	Daines	Kaine
Blunt	Enzi	King
Boozman	Ernst	Kirk
Burr	Fischer	Lankford
Capito	Flake	Lee
Cassidy	Gardner	Manchin
Coats	Graham	McCain
Cochran	Grassley	McCaskill
Collins	Hatch	McConnell
Corker	Heller	Moran
Cornyn	Hoeven	Murkowski
Cotton	Inhofe	Paul

Perdue  
Portman  
Risch  
Roberts  
Rounds  
Rubio

Sasse  
Scott  
Sessions  
Shelby  
Sullivan  
Tester

Thune  
Tillis  
Toomey  
Vitter  
Warner  
Wicker

# NAYS—39

Baldwin  
Bennet  
Blumenthal  
Booker  
Boxer  
Brown  
Cantwell  
Cardin  
Carper  
Casey  
Coons  
Donnelly  
Durbin

Feinstein  
Franken  
Gillibrand  
Heinrich  
Heitkamp  
Hirono  
Klobuchar  
Leahy  
Markey  
Menendez  
Merkley  
Mikulski  
Murphy

Murray  
Nelson  
Peters  
Reed  
Reid  
Schatz  
Schumer  
Shaheen  
Stabenow  
Udall  
Warren  
Whitehouse  
Wyden

# NOT VOTING—1

Sanders

The amendment (No. 2888) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following disposition of the Paul amendment, Senator MCCONNELL or his designee be recognized to offer amendment No. 2916; further, that Senator REID or his designee be recognized to offer Byrd points of order against amendment No. 2916 and that Senator MCCONNELL or his designee be recognized to make the relevant motion to waive; and that following the disposition of the motion to waive, the only three amendments remaining in order be the following: Reid amendment No. 2917, Baldwin amendment No. 2919, and Murphy amendment No. 2918.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

# UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 22

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following the disposition of H.R. 3762, the Chair lay before the Senate the conference report to accompany H.R. 22; further, that it be in order for the majority leader or his designee to offer a cloture motion on the conference report; and that notwithstanding the provisions of rule XXII, that there be 30 minutes of debate equally divided between the two leaders or their designees on the cloture motion; I further ask that upon the use or yielding back of time, the Senate vote on the motion to invoke cloture; finally, if cloture is invoked, all postcloture time be yielded back and the Senate vote on adoption of the conference report to accompany H.R. 22.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mrs. BOXER. Mr. President, I reserve the right to object.

I am so not going to object. I just wanted to thank you and thank everybody. I think this is a moment all of us have waited for, for a long time, so I am not objecting.

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

Mr. MCCONNELL. Mr. President, I wish to announce to everybody there will be up to five votes, and on those five votes we will have 10-minute roll-call votes. We intend to enforce the 10 minutes, so it would be a good idea for everybody to stay close to the Chamber.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I appreciate very much the direction we are going, but I would hope that we would have, really, 10-minute votes. One way to enforce that is to have people miss a couple of these votes, OK? Because people come strolling in thinking they are going to be protected, so I would hope it would be 10-minute votes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the next amendment be Paul amendment No. 2915 and that it be subject to a 60-vote affirmative threshold for adoption.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kentucky.

# AMENDMENT NO. 2915 TO AMENDMENT NO. 2874

(Purpose: To restore Second Amendment rights in the District of Columbia)

Mr. PAUL. Mr. President, I call up amendment No. 2915.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2915 to amendment No. 2874.

Mr. PAUL. 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. There is 2 minutes equally divided on the amendment.

Mr. PAUL. Mr. President, last week the District of Columbia police chief said that if you see an active shooter, take them down. The problem is it is very difficult to own a gun in DC, and it is nearly impossible to have a gun with you if you were to see an active shooter.

So my amendment would create a District of Columbia concealed carry permit program. It would also allow national reciprocity for concealed carry. It would also allow Active-Duty Forces to carry concealed carry-on Department of Defense properties.

I ask the Senate and those Senators who believe in self-defense to vote for this amendment.

Thank you.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am rather shocked at this amendment by my friend—and he is my friend. If I stood here and said: I don't like the laws in Lexington, KY, and I think that Big Brother ought to decide we

should repeal their laws because I don't like it—that is ridiculous. The fact is, I am shocked that a Libertarian would stand here and offer this.

I thought that Libertarians believe in freedom of localities over Big Government. So why would you wipe out duly enacted local laws? DC has its own unique needs. We know how many diplomats come here. We know the rest. It is quite different. We are a definite target, but the fact is, I urge my colleagues to stand and be counted here on behalf of local control.

I started off as a county supervisor. I didn't want other entities telling me what to do. I think we ought to vote no on this.

The PRESIDING OFFICER. The question occurs on agreeing to Paul amendment No. 2915.

Mr. PAUL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

# [Rollcall Vote No. 325 Leg.]

# YEAS—54

Alexander	Enzi	Murkowski
Ayotte	Ernst	Paul
Barrasso	Fischer	Perdue
Blunt	Flake	Portman
Boozman	Gardner	Risch
Burr	Graham	Roberts
Capito	Grassley	Rounds
Cassidy	Hatch	Rubio
Coats	Heller	Sasse
Cochran	Hoeven	Scott
Collins	Inhofe	Sessions
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Donnelly	Moran	Wicker

# NAYS—45

Baldwin	Heinrich	Murray
Bennet	Heitkamp	Nelson
Blumenthal	Hirono	Peters
Booker	Kaine	Reed
Boxer	King	Reid
Brown	Kirk	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	McCaskill	Udall
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murphy	Wyden

# NOT VOTING—1

Sanders

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Wyoming.

AMENDMENT NO. 2916 TO AMENDMENT NO. 2874  
(Purpose: In the nature of a substitute)

Mr. ENZI. Mr. President, I call up amendment No. 2916.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. MCCONNELL, proposes an amendment numbered 2916 to amendment No. 2874.

Mr. ENZI. 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. The Senator from Washington.

Mrs. MURRAY. Mr. President, over the last several years our country has taken some important steps forward when it comes to health care. More than 16 million people have gained the peace of mind and security that comes with having health care coverage. Tens of millions of people with preexisting conditions no longer have to worry about insurance companies turning them away. Young adults in our country are able to stay covered under their parents' insurance as they start out in life. And there is so much more. But, as I have said many times, the work did not end when the Affordable Care Act passed—far from it. I am ready to continue working with anyone who has good ideas about how to continue making health care more affordable, expand coverage, and improve quality of care.

Unfortunately, with this latest tired political effort to dismantle critical health care reforms, my Republican colleagues are once again making it clear that they want to take our health care system back to the bad old days. This is a major substitute amendment that my Republican colleagues just offered. It is yet another effort to pander to the extreme political base rather than working with us to strengthen health care for our families.

Even the Parliamentarian agreed with us today that repealing these important premium stabilization programs does not have a sufficient budget impact and is subject to the Byrd rule.

So I am raising a point of order today to strike section 105(b) from the amendment, which repeals the risk corridor program. It is a vital program to make sure premiums are affordable and stable for our working families. Repealing it would result in increased premiums, more uninsured, and less competition in the market.

This amendment represents a step forward for our health care system, not backward. I hope Republicans will drop the politics and join us in supporting it.

Mr. President, I raise a point of order that section 105(b) of the pending amendment violates section 313(b)(1)(D) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, "premium stabilization" is a fancy term for bail-

out. What this basically seeks to strike out is a provision that takes out the money for a bailout fund, for taxpayer money that would be used to bail out insurance companies that participate in ObamaCare. Why should the American taxpayer have to bail out private insurance companies that are losing money on ObamaCare?

Last year, because we passed this provision, we saved the American taxpayers \$2.5 billion. But now, because these companies have lobbyists who come up here and lobby to get their money, we are supposed to leave in this fund to bail out private insurance companies. This is outrageous.

If you want to be involved in the exchanges—and of course I want us to repeal the whole lot, but if you want to be involved in these exchanges and you lose money, the American taxpayer should not have to bail you out to the tune of over \$2 billion, and that is what they are asking for.

Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of amendment No. 2916, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 326 Leg.]

#### YEAS—52

Alexander	Fischer	Perdue
Ayotte	Flake	Portman
Barrasso	Gardner	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Heller	Sasse
Cassidy	Hoeven	Scott
Coats	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Daines	Moran	Wicker
Enzi	Murkowski	
Ernst	Paul	

#### NAYS—47

Baldwin	Durbin	Markey
Bennet	Feinstein	McCaskill
Blumenthal	Franken	Menendez
Booker	Gillibrand	Merkley
Boxer	Heinrich	Mikulski
Brown	Heitkamp	Murphy
Cantwell	Hirono	Murray
Cardin	Kaine	Nelson
Carper	King	Peters
Casey	Kirk	Reed
Coons	Klobuchar	Reid
Corker	Leahy	Schatz
Donnelly	Manchin	Schumer

Shaheen  
Stabenow  
Tester

Udall  
Warner  
Warren

Whitehouse  
Wyden

NOT VOTING—1

Sanders

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and section 105(b) is stricken.

The Democratic leader.

AMENDMENT NO. 2917 TO AMENDMENT NO. 2916

Mr. REID. Mr. President, I ask the clerk to report amendment No. 2917.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2917 to amendment No. 2916.

The amendment is as follows:

(Purpose: To strike the reinstatement of the tax on employee health insurance premiums and health plan benefits)

In section 209, strike subsection (c).

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. There is no shortage of contradictions today from my Republican friends. The first amendment was called, "If you like what you have, you can keep it." A couple of hours later, the same Republicans came back and voted to strip the health care for 22 million Americans.

In one of the few bipartisan moments today, 90 Senators voted to remove the provision that would restart the Cadillac tax in 2025. Yet minutes later, the Republican leader offered the pending substitute amendment to put that provision back in.

Do they really believe those who oppose the Cadillac tax will not recognize that they voted with them and then immediately reversed themselves and voted against them? I am offering them a chance to correct the record.

My amendment will again remove the provision that restarts the Cadillac tax in 2025. I urge all Senators, particularly the 90 who just voted yes, to support this amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the senior Senator from Nevada protecting the bipartisan amendment that was put forward by the junior Senator from Nevada to make sure that stays in the bill. I suggest that we have a voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2917) was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2919 TO AMENDMENT NO. 2916

(Purpose: To ensure that individuals can keep their health insurance coverage)

Ms. BALDWIN. Mr. President, I call up amendment No. 2919.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Ms. BALDWIN] proposes an amendment numbered 2919 to amendment No. 2916.

Ms. BALDWIN. 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.")

Ms. BALDWIN. Mr. President, I rise to speak in support of my amendment to allow families in Wisconsin and across the country to keep their high-quality affordable health insurance under the Affordable Care Act.

My Republican friends want to repeal the Affordable Care Act and turn back the clock to the days when only the healthy and wealthy could afford the luxury of quality health insurance. The plan before us would strip millions of Americans of their premium tax credits and take away new Medicaid coverage for thousands of people across this country.

My amendment is simple. It would prevent Republicans from taking away these tax credits and Medicaid for millions of low-income Americans. Thanks to the Affordable Care Act, over 183,000 Wisconsinites—hard-working Wisconsinites—have obtained quality, affordable private health insurance coverage through the marketplace. Almost 90 percent of these Wisconsinites are receiving support to make their coverage more affordable.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. BALDWIN. I ask unanimous consent for 10 more seconds.

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

Ms. BALDWIN. Americans deserve to know their coverage will be there when they need it the most. I urge my colleagues to support this amendment because in the United States of America, health care should be a right guaranteed to all, not a privilege reserved for the few.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment. This amendment would exempt individuals eligible for advanced premium tax credits from the larger tax credit repeal in the bill. As a matter of policy and fairness, I do not believe that just because an individual is eligible for an advanceable tax credit, they should be exempt from the larger repeal.

I also object to the repeated attempt to pay for this amendment by increasing taxes on hard-working Americans. I urge my colleagues to oppose this message.

The pending amendment No. 2919 would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment

pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—45

Baldwin	Gillibrand	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Peters
Booker	Hirono	Reed
Boxer	Kaine	Reid
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	McCaskill	Udall
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden

NAYS—54

Alexander	Ernst	Murkowski
Ayotte	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Coats	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kirk	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker

NOT VOTING—1

Sanders

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Connecticut.

AMENDMENT NO. 2918 TO AMENDMENT NO. 2916

(Purpose: To protect victims of violence or disease, veterans, workers who have lost their health insurance and their jobs, and other vulnerable populations from the repeal of the advanced premium tax credit)

Mr. MURPHY. Mr. President, I call up amendment No. 2918.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. MURPHY] proposes an amendment numbered 2918 to amendment No. 2916.

Mr. MURPHY. 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.")

Mr. MURPHY. Mr. President, when President Clinton proposed his health care bill in 1993, Republicans were so upset that they came up with a radical idea. This radical idea was to give tax credits to poor people to buy private insurance, to set up an insurance exchange where they could do that, to ban preexisting conditions, and to include an individual mandate—in short, the Affordable Care Act, built by Republicans, many of them still in this Chamber today.

At the heart of that proposal was the idea that people should get a tax cut in order to be able to buy private insurance. At the heart of the underlying Republican amendment is a gutting of that ability of individuals to go out and buy private insurance for themselves.

This amendment is pretty simple. It says that at the very least we can come together on the idea that we should preserve those tax credits for the most vulnerable—for pregnant women, for victims of domestic violence, for people suffering from heart disease, cancer, and Alzheimer's. At the very least, we can come together and decide to protect those tax credits—a Republican idea at the genesis for those vulnerable individuals.

I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment.

Under ObamaCare, health insurance plans are decreasing, they are narrower, and they are giving sick individuals fewer choices and fewer options over their health care.

Repealing ObamaCare is the first step in moving toward health care that is better for all Americans, including those who Senators MURPHY and STABENOW intend to help.

This amendment also again proposes the Buffett tax, taxing foreign inversion corporations as domestic, and expanding limitations on executive compensation deductibility.

I believe the problem with Washington's finances is that our government spends too much and lives outside its means. I am continually working to put our country's finances on a sustainable path so that more Americans can keep more of their hard-earned money. We don't need higher taxes.

I urge my colleagues to oppose the upcoming motion to waive.

Mr. President, the pending amendment No. 2918 would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER (Mr. SASSE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 328 Leg.]

#### YEAS—46

Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Stabenow
Carper	Manchin	Tester
Casey	Markey	Udall
Collins	McCaskill	Warner
Coons	Menendez	Warren
Donnelly	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murphy	
Franken	Murray	

#### NAYS—53

Alexander	Fischer	Paul
Ayotte	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoehn	Sasse
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kirk	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	

#### NOT VOTING—1

Sanders

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 2916, AS AMENDED

The PRESIDING OFFICER. The question occurs on amendment No. 2916, as amended, offered by the majority leader.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we are about to have a voice vote on the substitute amendment, and I would not object to a voice vote, since I know we have all been here a long time, but I would just like to point out to everyone that the substitute amendment is a

major bill that has just been introduced that we are now voting on. I assume everyone has read every word of it.

We have been debating 20 hours and just got a major amendment a few hours ago that doubles down on all of the deep and harmful bill that is in front of us, and it is really objectionable to those on our side that after 20 hours of debate on a number of amendments we get a major substitute amendment that we are voting on.

I would not object to it being a voice vote, but I urge my colleagues to vote no.

Mr. MCCONNELL. I yield back the time on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2916, as amended.

The amendment (No. 2916), as amended, was agreed to.

VOTE ON AMENDMENT NO. 2874, AS AMENDED

The PRESIDING OFFICER. The question occurs on amendment No. 2874, as amended, offered by the majority leader.

Mrs. MURRAY. I yield back our time.

Mr. MCCONNELL. I yield back all time on this side.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2874, as amended.

The amendment (No. 2874), as amended, was agreed to.

Mr. MCCONNELL. Mr. President, for years the American people have been calling on Washington to build a bridge away from ObamaCare. For years Democrats prevented the Senate from passing legislation to do just that, but in just a moment that will change.

It will be a victory for the middle-class families who have endured this law's pain far too long on their medical choices, on the affordability of their care, on the availability of their doctors and hospitals, and on the insurance they liked and wanted to keep. A new Senate that is back on the side of the American people will vote to move beyond all the broken promises, all the higher costs, and all the failures. We will vote to build a bridge away from ObamaCare and toward better care. We will vote for a new beginning.

We hope the House will again do the same, and then President Obama will have a choice. He can defend the status quo that has failed the middle class by vetoing the bill or he can work toward a new beginning and better care by signing it.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as I have said before, I am very proud of the progress we have made over the last few years toward a health care system that actually works for our families and puts their needs first.

Today more than 16 million people have gained the peace of mind and security that comes with health care coverage. Tens of millions of people

with preexisting conditions no longer have to worry about insurance companies turning them away, and young adults in this country are able to stay covered as they start out their lives, but the work didn't end when the Affordable Care Act was passed—far from it.

So I am ready, and I know our colleagues on this side of the aisle are also, to work with anyone who has good ideas about how we continue making health care more affordable, expanding coverage, and improving the quality of care.

The legislation we have now spent the last few days debating, which has no chance for becoming law, will do the exact opposite. This will undo the progress we have made. It is not what our families and communities want.

I hope that once this partisan bill reaches the dead-end it has always been headed for, Republicans will finally drop the politics and work with us to deliver results for the families and communities we serve.

The PRESIDING OFFICER. All time has expired.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having read the third time, the question is, shall the bill pass?

Mr. BARRASSO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 329 Leg.]

#### YEAS—52

Alexander	Fischer	Perdue
Ayotte	Flake	Portman
Barrasso	Gardner	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Heller	Sasse
Cassidy	Hoehn	Scott
Coats	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Daines	Moran	Wicker
Enzi	Murkowski	
Ernst	Paul	

#### NAYS—47

Baldwin	Casey	Heitkamp
Bennet	Collins	Hirono
Blumenthal	Coons	Kaine
Booker	Donnelly	King
Boxer	Durbin	Kirk
Brown	Feinstein	Klobuchar
Cantwell	Franken	Leahy
Cardin	Gillibrand	Manchin
Carper	Heinrich	Markey

McCaskill	Peters	Tester
Menendez	Reed	Udall
Merkley	Reid	Warner
Mikulski	Schatz	Warren
Murphy	Schumer	Whitehouse
Murray	Shaheen	Wyden
Nelson	Stabenow	

## NOT VOTING—1

Sanders

The bill (H.R. 3762), as amended, was passed.

The PRESIDING OFFICER. The majority leader.

## ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that a 60-affirmative vote be required for adoption of the conference report to accompany H.R. 22.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, for the information of all of our colleagues, there will be only two votes in relation to the highway bill, and those will be the last votes of the week.

## SURFACE TRANSPORTATION REAUTHORIZATION AND REFORM ACT OF 2015—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany H.R. 22, which will be stated by title.

The senior assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 22), to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, having met, have agreed that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment and the House agree to the same, signed by a majority of the conferees on the part of both Houses.

Thereupon, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 1, 2015.)

The PRESIDING OFFICER. There are 30 minutes of debate equally divided.

Who yields time?

Mr. VITTER. Mr. President, I wish to clarify today a provision included in the FAST Act conference report.

In order to build and restore the Nation's highway infrastructure without breaking the bank to do so, we are going to need the best and latest in cost-saving construction technologies to help us attain that goal.

I supported a provision in the Senate bill that would do just that with regard to construction for key highway components, such as bridge abutments, erosion control on highway waterways, and sound walls. My language specifically identified "innovative segmental wall technology for soil bank stabiliza-

tion and roadway sound attenuation, and articulated technology for hydraulic shear-resistant erosion control" as technologies for research and deployment action by the Federal Highway Administration, FHWA.

A core value shared by all three technologies is that they can save taxpayer dollars. And we should certainly encourage FHWA to engage in research and deployment on them.

For example, one of the practical and expensive problems with highway construction is moving and dispensing with excavated dirt. Segmental retaining wall, or SRW, technology can reduce transportation construction costs to the taxpayers by allowing the use of in situ soils in building segmental retaining walls rather than treating the excavated dirt as waste and hauling it away. Using the native soils for bank reinforcement can save the hauling costs and time for dirt removal, also reducing construction time. Similar segmental unit technology can be used to provide additional choices that are also aesthetically appealing for transportation designers to consider for sound attenuation.

And articulated segmented unit technology for erosion control, known as ACB for the concrete blocks usually used for this purpose linked together in a durable matrix, is especially durable and resistant to overtopping in high-water events. Overtopping is a major problem in high-water events that can degrade or ruin the existing erosion control measures. Rebuilding and replacing is always a huge cost that we should seek to avoid.

While the conference report does not retain my provision, we still have options to save the taxpayers money. I would like to point out that provisions appear elsewhere in the conference report that can give FHWA essentially the same mission, albeit articulated in a different way.

Section 1428 of the conference report states that "the Secretary shall encourage the use of durable, resilient and sustainable materials and practices, including the use of geosynthetic materials and other innovative technologies, in carrying out the activities of the Federal Highway Administration."

Section 1428 might be an alternate means of articulating the same concepts I supported with regard to the innovative segmental wall, or SRW, technology. SRW walls use concrete block facing materials that are obviously highly durable, resilient, and sustainable. These facing units are anchored into the soils using geosynthetic ties that are also highly tough and durable and described in Section 1428.

In passing the conference report, I would like to clarify for FHWA staff to consider SRW technology, using the durable, resilient, sustainable materials anchored with geosynthetics as one of the technologies envisioned in Section 1428. ACBs and segmental block sound walls also fit the defini-

tion of durable, resilient, and sustainable materials and techniques set forth in this section and should enjoy a similar favorable view under the umbrella of Section 1428.

Mr. CARDIN. Mr. President, I rise today to speak about the highway trust fund, HTF, and the conference report we will be considering shortly to accompany the surface transportation reauthorization bill, which is called the Fixing America's Surface Transportation Act, FAST Act.

First, I am pleased to see that this bill provides 5 years of funding for our Nation's transportation infrastructure. That is the kind of long-range certainty our State and local officials and the private sector need to plan transportation infrastructure projects in a thoughtful and responsible way.

While there are many excellent provisions in the bill, I do have significant concerns about the way our Nation's surface transportation infrastructure is being funded.

First, I will speak about the policy within the bill. I am pleased that the conference committee has retained this Nation's commitment to transportation alternatives. This bill includes more than \$4 billion for bike and pedestrian infrastructure, making our roads safer for everyone who uses them. My bill creating a dedicated program for nonmotorized safety is also included in the reauthorization, which will support things like bike safety training programs for both bicyclists and drivers, again making our streets safer for all who use them.

Furthermore, the section 5340 bus program has been kept intact. This program is for high-density areas like Baltimore and Washington, DC, which cannot simply widen a road to accommodate extra travelers. The FAST Act provides more than \$2.7 billion to high-density areas. This is significant for Maryland in particular. Over the life of this bill, Maryland should receive more than \$4.4 billion in Federal Highway Administration, FHWA, and Federal Transit Administration, FTA, funding combined. That is an extraordinary amount of funding for a State that sorely needs it.

I am concerned, however, that the FAST Act undermines the public input, environmental analysis, and judicial review guaranteed under the National Environmental Policy Act, NEPA. If Congress wants Federal agencies to approve more permits faster, then we should appropriate the requisite funds for sufficient staff and other necessary resources. We should not undermine the integrity of important project reviews. Moreover, the argument that the permitting process takes too long is a red herring. More than 95 percent of all FHWA-approved projects involve no significant impacts and therefore have limited NEPA requirements. If we really want to speed project development, we should recognize the known causes of delay and not use this bill as a Trojan horse to dismantle our Nation's foundational environmental