strip away the penalties for violating. That would allow a majority to fundamentally undermine a nonbudgetary law in a reconciliation bill.

I have enormous respect for the Parliamentarian and her staff. They work diligently to serve the Senate, and they have to make some tough calls. I will say that this one leaves me disappointed and perplexed.

With so many issues—as I touched on earlier—I would hope that the Senate would spend more time doing what Chairman Grassley and I do, mending where the vicinity of 9 hours or 10 hours ago. We said there was an important issue. It happened to be a health care issue as well—prescription drugs. We spent 18 months with our very dedicated staffs, Democrats and Republicans working together, to try to find some common ground. It is a hugely important issue, important to the people of Colorado, Oregon, and everywhere else. In effect, we said it was important because it was about the future. The drugs of the future are going to be specialty drugs, exciting drugs with the opportunity for real cures. People are going to have to be able to afford them, and using the companies' own documents, this morning Chairman Grassley and I pointed out how affordability and accessibility weren't actually the issue; the issue was maximizing revenue.

But most important—whether you agree with the two of us or not—it was bipartisan. It was Democrats and Republicans coming together on a hugely important issue.

This reconciliation proposal we will deal with on the floor of this Senate is a rejection of the kind of the bipartisanship that I was part of something like 8 hours or 10 hours ago. It is part of what I believe the Senate is all about—what the Senate is at its best—as an institution that functions in a bipartisan way. That is why I felt compelled to come to the floor tonight and lay out my concerns about a very troubling precedent, and that is the one that is being set with the reconciliation bill.

With that, I yield the floor. I suggest the absence of a quorum.

Mr. MCCONNELL. Mr. President, I send a substitute amendment to the desk. The PRESIDING OFFICER. The motion will be recorded.

Mr. MCCONNELL. 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: In the nature of a substitute

Strike all after the enacting clause and insert the following:

TITLES I–FINANCE

SEC. 101. FEDERAL PAYMENT TO STATES.

(a) In General.—Notwithstanding section 504(a), 1902(a)(25), 1903(a), 2002, 2005(a)(4), 2102(a)(7), 1905(a)(1), or 2105(a)(1) of the Social Security Act (42 U.S.C. 704(a), 1966a(a)(25), 1966a(a)(1), 1966a(a)(4), 2160a-2(a)(7), 1967a, 1973a(a)(7), or 1987a(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds are provided from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made directly to the prohibited entity or through a managed care organization under contract with the State.

(b) Definitions.—In this section:

(1) PROHIBITED ENTITY.—The term "prohibited entity" means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed in order to cure a physical condition caused by or arising from the pregnancy itself; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded $500,000,000.

(2) DIRECT SPENDING.—The term "direct spending" has the meaning given that term under section 256(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

SEC. 102. INDIVIDUAL MANDATE.

(a) In General.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B) by striking clauses (ii) and (iii) and inserting the following:

(ii) Zero percent for taxable years beginning after 2014.

(2) in paragraph (3)—

(A) by striking "$695" in subparagraph (A) and inserting "$0";

(B) by striking "and $325 for 2015" in subparagraph (B), and

(C) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2014.

SEC. 103. EMPLOYER MANDATE.

(a) LARGE EMPLOYERS OFFERING NOT OFFERING HEALTH COVERAGE.—(1) LARGE EMPLOYERS OFFERING HEALTH COVERAGE.—(1) LARGE EMPLOYERS OFFERING NOT OFFERING HEALTH COVERAGE.—(1) LARGE EMPLOYERS OFFERING HEALTH COVERAGE.—(1) LARGE EMPLOYERS OFFERING NOT OFFERING HEALTH COVERAGE.—(Paragrace (a) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by inserting "$0 in the case of months beginning after December 31, 2014") after "$2,000.

(b) LARGE EMPLOYERS OFFERING COVERAGE WITH EMPLOYERS WHO QUALIFY FOR PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS.—(2) LARGE EMPLOYERS OFFERING COVERAGE WITH EMPLOYERS WHO QUALIFY FOR PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS.—(2) LARGE EMPLOYERS OFFERING COVERAGE WITH EMPLOYERS WHO QUALIFY FOR PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS.—(2) LARGE EMPLOYERS OFFERING COVERAGE WITH EMPLOYERS WHO QUALIFY FOR PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS.—(2) LARGE EMPLOYERS OFFERING COVERAGE WITH EMPLOYERS WHO QUALIFY FOR PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS.—(2) LARGE EMPLOYERS OFFERING COVERAGE WITH EMPLOYERS WHO QUALIFY FOR PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS.—(2) LARGE EMPLOYERS OFFERING COVERAGE WITH EMPLOYERS WHO QUALIFY FOR PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS.—(Paragrace (2)(a) of the Internal Revenue Code of 1986 is amended by inserting "$0 in the case of months beginning after December 31, 2014") after "$3,000."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning after the date of enactment of this Act.

SEC. 104. REPEAL OF MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Section 4996e of the Internal Revenue Code of 1986 is amended by striking subsection (c) and inserting the following:

TAX CREDITS OR COST-SHARING REDUCTIONS.—(Paragrace (a) of section 2002 of the concurrent resolution on the budget for fiscal year 2016. amendment.

SEC. 105. REPEAL OF THE TAX ON EMPLOYEE HEALTH INSURANCE PREMIUMS AND HEALTH PLAN BENEFITS.

(a) EXCISE TAX.—(1) Section 43 of the Internal Revenue Code of 1986 is amended by striking section 4980I.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date of enactment of this Act.

SEC. 106. RECAPTURE OF EXCESS ADVANCE PAYMENTS OF PREMIUM TAX CREDITS.

(a) IN GENERAL.—Section 36B(a) of the Internal Revenue Code of 1986 is amended by striking subparagraph (B).
TRIBUTE TO TOM OWEN

Mr. MCCONNELL. Mr. President, as a UofL professor of libraries since 1975, I ask unanimous consent that the consideration of H.R. 3762 now be for debate only during today’s session of the Senate.

Mr. MCCONNELL. Mr. President, the Senate is now considering the House-passed Restoring Americans’ Healthcare Freedom Reconciliation Act of 2015. We have a chance to vote to end ObamaCare’s cycle of broken promises and failures with a simple yes or no vote. I look forward to completing action on this bill this week.

MORNING BUSINESS

HIGHLANDS COUNCILMAN TOM OWEN RETIRING

(By Phillip M. Bailey)

Longtime Metro Councilman Tom Owen announced Wednesday he will not seek re-election next year, opening up a possible avalanche of candidates who will run for his seat representing much of the Highlands neighborhood.

Owen, 76, who is an archivist at the University of Louisville, has served on the council’s current actions in a historical cable and lengthy consideration that now is the only candidate who knows the city of Louisville like edge to edge and has a vision of the whole city’s history and destiny.

Among those needs in 1989, Owen said, was a trolley service for the Bardstown Road corridor, safer pedestrian traffic and a citywide parking policy. No one, he said, is comfortable with the incumbent in the nine board primary races that year.

Being uncompromising and I’m honored as a historian to think I have shaped the destiny of Louisville even one percent,” Owen said Wednesday.

In a statement, Mayor Greg Fischer said, “Tom has been the city’s unofficial city historian, quite literally a walking encyclopedia of Louisville history.”

Forerunner to the Bardstown Road trolley, Ward-Pugh, who also served with Owen on the Board of Aldermen for four years, said the two were political soulmates on a number of issues including the environment and gay rights. She said Owen’s departure will create “a vast cavern of institutional knowledge” for the council.

“Tom and I were virtually joined at the hip on many progressive and social justice issues over the years,” Ward-Pugh said. “I probably pushed him a little more than he was comfortable and he held my hand when I was headed out a little too far, so we balanced each other.”

Owen ran for mayor in the 1998 Democratic primary where he came just shy of beating Dave Armstrong, who went on to be the last mayor of the old city.

Newspaper archives show Owen was one of the early supporters of a Fairness law when the city was first debating adopting an anti-discrimination legislation to protect gay, lesbian, bisexual and transgendered individuals in housing and other public accommodations. Today, Owen is most associated with his push for better public transportation and bicycle advocacy, and he has championed the city adding more bike lanes to major thoroughfares.

A former professor of libraries since 1975, colleagues say Owen was always able to put the council’s current actions in a historical context.

“From a person I always go to for that information, so I hope he keeps his same phone number,” Councilman David James, D-6th, said.

“Tom has institutional knowledge, he has brains, he is thoughtful and I have thoroughly enjoyed working with him,” said Councilman Kelly Drowsky, R-18th, who is also retiring after this year. “The council is going to miss him heavily, and boy, there’s going to be a hole.’’

Only half of the Metro Council’s 26 members are from the original class who were elected when city and county governments merged in 2002.

Owen said he doesn’t want to look back on his career just yet and has a lot more he’d like to accomplish in his last year, but he said there are plenty of talented people who can represent the district.

William Corey Nett, a member of the Tyler Park Neighborhood Association, filed as a Democratic candidate on the council. It is expected that several more contenders will jump in the race to represent the district, which encompasses most of the Highlands neighborhood.

The deadline for candidates to run for Metro Council is Jan. 26.