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 as awful as why are some 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 Medicaid in the State of Ohio, asked earlier this year why he chose to candidate John Kasich—somebody whom I back home?

I am glad to see that AARP, whose mission is to aid working families. Why are we 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. I am glad to see 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 reads as follows:

A bill (H.R. 3762) to provide for reconciliation pursuant to section 202 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 he is making an effort to see 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 for and 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 experiment 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 getting 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, but at least 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. The bipartisan effort we are working on 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 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. 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. We have to 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 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 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 a covered 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. It is similar to the narrative I have heard from many Americans. 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 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 severely worried 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 the loss of their jobs and the one-size-fits-all approach for 320 million or so Americans, I am listening to our constituents who told us that they have had one bad experience after another with ObamaCare.

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 a covered provider under the ObamaCare policy.

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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...
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 flipped on the news, 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." "How they Die in 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 community. And they are 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 horrible act 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 concern, that horror has persisted 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 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 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 galleries. 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.

Are we going to prevent it? 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 living in a world 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.

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.

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: You didn't 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 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 police. This is the kind of day it is God you never had to talk about or experience. That is the kind of day it is we were waiting for, and that is on the highway bill. This was a moment 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 on the highway bill. This was a moment 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 on the highway bill. This was a moment of the military and the police.

Senator FEINSTEIN feels the same way.

This amendment provides middle-class families with the kind of stable funding source that they can rely upon. Each year Congress in Hawaii. Unfortunately, Pell grants—

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—taxes that 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 opportunities 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 as 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 colleagues 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 Planned Parenthood 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 services. Nor was it a plan 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 testing, family planning, 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 add a special maneuver 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. Threating 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 to government buildings—who could go for 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: Food 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 is the bill’s ability to do with the very policy that is now before us, the 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 were able to get health care coverage 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 40,000 people are getting coverage through Medicaid expansion. The Governor and the State legislature worked long and hard to come to a bipartisan agreement. The Governor of the 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, 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. One hundred 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 crash deaths 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 for 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-
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 show what is happening to them. The Affordable Care Act, 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. 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 $3,151 a month in premiums for a bronze plan under ObamaCare.

Here is an excerpt from a constituent letter:

The renewal paperwork that I just received estimated our new payment to be just over $28,000 a year. That is nothing ‘affordable’ about the Affordable Care Act. A couple in Anchorage will be paying $3,151 a month in premiums for a bronze plan under ObamaCare.

The numbers don’t lie. In Alaska and many across the country people are going to go up 46 percent. The so-called Cadillac tax—or the individual average—$420 a month, with an average deductible of $5,653 for an individual and close to $11,600 for a family.

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 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 individuals and families under ObamaCare 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 for the average 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 millions of lower income 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 33 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. 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 up 46 percent.

There you have it, the 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 increases in 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 at all as of the day one 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 for their family members need because of these prohibitive costs. 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 we have a recent poll that de spite 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 is a really big 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 the very 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 realizes that 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 its losses and leave in Alaska offering coverage on 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 deep 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 take ownership of 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 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 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 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 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 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 Charitable Trusts 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 so.

That is one of the many costs that have gone up in the lives of middle-class families. Their childcare costs have gone up, the cost of higher education has gone up in that period, the cost of healthcare, 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 an substantively 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 we 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 $8,672. Those numbers sound almost like a complimentary option maybe at some public universities. Double-figure, thousand-dollar numbers for childcare is almost hard to comprehend—$10,640 for an infant and $8,672 for a 4-year-old. So what does that mean for, for 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 optional. Another 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 the Tax Code does not hinder our 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 the taxpayers.

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 had for 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 the person who runs a very large corporation and doesn’t have a higher tax rate than the person who runs the estate of a very wealthy person.

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 things that are in the Tax Code are things that work 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 the years. We have talked 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. 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 a lot of Pennsylvanians are not covered. 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.

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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 Government’s 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 associated with 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 all 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. For example, 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 calling it the incredible increase in insurance 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 available. I am 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 $24,00 more on insurance, nearly all the medical bills will still be paid out of pocket for this family. The only benefit they are going to be getting is the $12,000 deductible. They are feeling it—desperately feeling it. The bill we are debating solves the problem currently debating addresses the problem. 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 the ability for health 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 issue is the horizon 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 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 student in our 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 Senate 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 business owners 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 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 business, the other is a handmade little coffee shop. 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 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 educators 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 still with us. 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 reform—looking at 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 “The Age of Cognitive Capture at the Switch” or “Too Compliant.”

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, by 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 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 track 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 reform—indecently 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. 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 preemp, 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 it 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 make this content and it has an awesome deal, this rollback, this slicing of Wall Street, of Dodd-Frank—to roll back these reforms through the appropriations process. This move, unprecedented 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 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, the Republican 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 worked on for some time. 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 worked on last year and I am the 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 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—or did banks the size of Huntington, $5 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 kind of issues through the Senate 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.

Mr. SHELBY. Madam President, the tragic murders that occurred in California yesterday are unthinkably and by all accounts 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 law-abiding to keep and bear arms. Shooting tragedies push the 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 a great help in keeping and bearing arms through stricter gun control. I believe this is yet another example of the President using tragic events to push his political agenda.

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 undermine 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.
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 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 ignore my warnings and go through the congressional review process to approve 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 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.

What 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 confidential 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 State Department; we will be talking about ambassadors.

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, domestic 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.

He 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.

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 not trust Iran. When the Ayatollah Khamenei, with a cheering crowd, uses 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.

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.

Mr. CARDIN. Madam President, Aizita Raji has been nominated for Ambassador to Sweden and Samuel Reins
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 and its 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 volunteered 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 in Washington, DC. This tree is a gift from 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 fulfilling 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. 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.

This is the Azita Raji nomination.

The PRESIDING OFFICER. (Mr. Sasse). Is there objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, I object. The Senate Foreign Relations Committee unanimously requested that the Department of State 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 detailed this matter: spell 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 must begin 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 potentially 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 more than $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 Senate 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 executive 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.

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 international 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, I object.
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 CORRIGER. He has moved these nominations through the committee. For these reasons, I urge my colleagues to consider this work 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.

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 allows 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 toxic discussion in the last week how important it is to individual States to have the ability to identify for their citizens what is in the everyday household products that they use: 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, 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 highest 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 rejected. 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 toward 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 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 premiums were predicted to increase modestly. 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 stopping the harm, alleviating 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 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 work with us. I applaud Senator BARRASCO in this Congress, which would give American workers the right 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 research 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 who Arizonaans 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 on S. 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 remind us of the inaction by this body. Congress has become complicit by its inaction in this mass slaughter that 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 Connecticut, 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. BARR. Mr. President, I shift costs now for 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 tax—which would make medical indications 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.

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.

The 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
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 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 that this crop insurance program.

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 yield the floor to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

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—I 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 program.

I also want to speak to the importance of not reopening the farm bill in the omnibus.
The motion was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. 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. 2863 and the Collins amendment No. 2885.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2870

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 2012’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 colleagues 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, have already expired. 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. JOHNSON. 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 result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—56

Alexander  Enzi  Murkowski  Paul
Ayotte  Ernst  Perdue  Roberts
Barrasso  Fischer  Portman  Risch
Bennett  Flake  Punts  Rounds
Blumenthal  Gianaris  Sinema  Rubio
Boozman  Graham  Tester  Sasse
Burr  Grassley  Sessions  Scott
Capito  Heller  Smith  Shelby
Capito  Harkin  Smith  Sullivan
Coons  Inhofe  Sessions  Toomey
Collins  Isakson  Sessions  Vitter
Corker  Johnson  Sessions  Whitehouse
Cornyn  Kirk  Sullivan  Wicker
Cotton  Lankford  Thune  Wicker
Crapo  Lee  Tillis  Wicker
Cruz  McCain  Toomey  Wicker
Daines  McConnell  Vitter  Wicker
Donnelly  Moran  Vitter  Wicker

NAYS—44

Balzen  Retkamp  Peters  Reed
Blumenthal  Hirono  Reid  Reed
Booher  Kaine  Sanders  Sanders
Boozman  King  Sanders  Sanders
Brown  Klobuchar  Schatz  Schatz
Cantwell  Leahy  Schumer  Stabenow
Carper  Manchin  Tester  Stabenow
Casey  McCaskill  Tester  Tester
Coons  Menendez  Udall  Udall
Durbin  Merkley  Udall  Udall
Feinstein  Mikulski  Warner  Warren
Franken  Murphy  Whitehouse  Whitehouse
Gillibrand  Murray  Whitehouse  Whitehouse
Heinrich  Nelson  Whitehouse  Whitehouse

Mr. BROWN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk reads 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.

(Two amendments are 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.

Mr. BROWN. 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 more. Spending on Medicaid has experienced a 137 percent increase from $200 billion in 2000 to $767 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 yeas and nays resulted—yeas 45, nays 55, as follows:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>45</td>
<td>52</td>
</tr>
</tbody>
</table>

The amendment (No. 2883) was rejected.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2893 TO AMENDMENT NO. 2874

(Purpose: To amend the Internal Revenue Code of 1866 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.

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

The amendment (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 20 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.

The amendment is paid for by offsets.

I thank Senator BULFORD 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 inversions 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. 2869 proposed by Senator CASEY would cause the underlying legislation to exceed the authorizing committees’ 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment pursuant to section 302(c) 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 legislative clerk called the roll. The result was announced—yeas 90, nays 10, as follows: [Rollcall Vote No. 315 Leg.]

The PRESIDING OFFICER. The amendment (No. 2862) 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: Shaheen amendment No. 2892. The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The Senator from Nevada.

AMENDMENT No. 2892 TO AMENDMENT No. 2874

Mr. HELLER. Mr. President, I call up my amendment No. 2892. The PRESIDING OFFICER. The clerk will report. The legislative clerk read as follows: The Senator from Nevada [Mr. HELLER] proposes an amendment numbered 2892 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 related 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. HENRICH, 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. 315 Leg.]
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 overdoses 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 entities 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. BLUMENTHAL. 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 SAXON, 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. The question is on agreeing to the amendment.

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

[Rollcall Vote No. 317 Leg.]

YEAS—47

AYOTTE BALDWIN BENNET BLUMENTHAL BOOKER BOYSTER BROWN CANTWELL CARPER CASEY COLLINS COONS DONNELLEY DURBIN FEINSTEIN NAY—52

ALEXANDER BARRASO BENTZ BOOZMAN BURR CAPITO CASSIDY COATS COCHRAN CORKER LEE MCCAIN MCCONNELL ROBACH MURKOWSKI PAUL PURDUE PORTMAN SULLIVAN RISCH ROBERTS ROYTHON SASHA SCOTT SHERER SHELBY THUNE TILLIS TERRY VITTER WICKER

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. 2892 TO AMENDMENT NO. 2874
Mr. CORNYN. Mr. President, I call up amendment No. 2892.

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

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2892 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 duration of debate expired.

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 this Vitter amendment 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 an amendment to the sanctuary cities bill, last month, which strips all local law enforcement from 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 National Association of Chiefs 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 be able to buy a gun. He should 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. You have 10 seconds.

Mr. CORNYN. Mr. President, to accept the amendment 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 read as follows:

The Senator from California will explain it.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is not here this afternoon, but he is available by phone. He is in Los Angeles Police Department, responding to demands from Congressmen Peter King and the Majority Whip.

Mr. WARNER. Mr. President, I ask unanimous consent that the next amendment be 2910 to amendment No. 2874.

The PRESIDING OFFICER. The point of order is sustained, and the motion is rejected.

The yeas and nays resulted—yeas 55, the nays are 44. The PRESIDING OFFICER. The Senator from Wyoming.

The Senator from Wyoming.

The Senator from Wyoming.

The Senator from Wyoming.

Mr. CORNYN. Mr. President, to accept the amendment 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 read as follows:

The Senator from California (Mr. FEINSTEIN) proposes an amendment numbered 2913, to Amendment No. 2912.

The amendment is printed in today’s RECORD under “Text of Amendments.”

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 2913.

The PRESIDING OFFICER. The Senator from Wyoming.

The Senator from Wyoming.

The Senator from Wyoming.

Mr. CORNYN. Mr. President, to accept the amendment 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 read as follows:

The Senator from California (Mr. FEINSTEIN) proposes an amendment numbered 2913, to Amendment No. 2912.

The amendment is printed in today’s RECORD under “Text of Amendments.”

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 presumably 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:

YEAS—45

Baldwin
Benning
Blumenthal
Booker
Boxer
Brown
Cantwell
Cardin
Coons
Collins
Cornyn
Cruz
Coats
Cassidy
Capito
Cochran
Collins
Corker
Cornyn
Cotton
Crapo
Cruz
Daines
Enzi

Murray
Nelson
Peters
Reed
Reid
Sanders
Schatz
Shumer
Stabenow
Tester
Udall
Warren
Whitehouse
Wyden

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: Benetton 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. 2974

(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 read.

The senior assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2914 to amendment No. 2974.

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 point of Order, Bullock amendment No. 2853.

Mr. GRASSLEY. 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      Kazi      Paul
Ayotte        Eternity      Perdue
Barrasso      Fischer      Portman
Blunt          Flake      Risch
Boozman       Gardner      Roberts
Burr           Graham      Rounds
Capito         Grasley      Rubio
Cassidy       Hair      Sasse
Coats          Heller      Scott
Cooper         Hoeven      Sessions
Collins      Inhofe      Sessions
Corker        Isaksen      Shelby
Cornyn        Johnson      Sullivan
Cotton         Lankford   Thune
Crapo          McCain      Tillis
Cruz           McConnell   Toomey
Daines          McCain      Vitter
Donnelly       Markowski   Wicker

NAYS—46

Baldwin       Heitkamp      Nelson
Bennet         Hirono      Peters
Blumenthal      Kaine      Reed
Boxer          King      Reid
Boozman       Kirk      Reed
Brown          Kobuchar      Reid
Butterfield    Killion      Sanders
Cantwell       Leahy      Schatz
Cardin          Lee      Schatz
Carper          Manchin      Shaheen
Casey          Markley      Sinema
Cory          McCaskill      Tester
Duckworth    Menendez      Udall
Feinstein      Merkley      Warren
Franken         Murkowski   Whitehouse
Gillibrand   Murphy      Wyden
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. 2906 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. 2906.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 2907 TO AMENDMENT NO. 2874

(Purpose: To provide additional amounts to the Department of Veterans Affairs to improve the physical infrastructure of Department of Veterans Affairs facilities and increase the access of veterans to care and improve the physical infrastructure of the Department of Veterans Affairs)

The amendment is as follows:

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

(a) (1) $20,000,000 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 113-149; 38 U.S.C. 1701 note); and

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

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 amounts in revenues received in the Treasury as the result of the enactment of section 59A of the Internal Revenue Code of 1986—

(b) 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) APPLICABILITY—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 642(c) for that taxable year, determined without regard to any tax liability determined under this section), and

(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 paragraph (1)—

(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(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 642(c) for that taxable year), determined without regard to any tax liability determined under this section, over

(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 in paragraph (1) shall be increased by an amount equal to—

(i) such dollar amount, multiplied by

(ii) the cost-of-living adjustment determined for purposes of 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—

(1) the taxes imposed on the taxpayer under sections 1601, 1411, 3161, 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 TAXED VI 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) CIRCULAR 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:

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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 covering it 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. The question is on agreeing to the pending amendment.

Mr. PAUL. Mr. President, I ask for unanimous consent that the reading of amendment No. 2899 be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. 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 Senate from Wyoming.

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

I ask unanimous consent that the pending amendment be sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from Vermont.

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 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 second?

There appears to be a sufficient second.

The clerk will call the roll.

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. 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 stay, 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.
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. 1. 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:

PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS

"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—

"(1) 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 (if any) of—

"(1) the regular tax liability (as defined in section 162) determined under this section, over

"(2) any other tax imposed by this subtitle) a tax

"II) the dollar amount in effect under subsection (c)(1), and

"III) the amount equal to the amount which is an amount equal to the amount which

"determined under this section, over

"(III) the dollar amount in effect under subsection (c)(1).

"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.

"(g) 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.

"(h) 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—

"(I) the adjusted gross income of the taxpayer, over

"(II) 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(b)(1)(A)(i) in the case of a trust or estate for such taxable year as—

"(B) 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(b)(1)(A)(i) in the case of a trust or estate for such taxable year as—
“(1) 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

(2) 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 a 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) $10,000, such amount shall be rounded to the nearest hundred of $10,000.

(ii) the cost-of-living adjustment determined under section 1(f)(1) 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) ROUNDED.—If any amount as adjusted under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest hundred 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—

(i) 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—

(1) 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 by this chapter 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)(3) or for purposes of section 55).

(b) CLERICAL AMENDMENT.—The table of parts for chapter 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 expired 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 think we all 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 PRESIDENT proclaims 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 PRESIDENT OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2913.

The amendment (No. 2913) was rejected.

The PRESIDENT proclaims the Senator’s time has expired.

The Senator from Indiana. Mr. COATS. Mr. President, I call up amendment No. 2888.

The PRESIDENT 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 call up amendment No. 2888.

The PRESIDENT 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 PRESIDENT 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 OF 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 to a taxpay 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.”

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

The PRESIDENT OFFICER. All time has expired.

The question is on agreeing to amendment No. 2888.

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

The PRESIDENT OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

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

The PRESIDENT OFFICER (Mr. SULLIVAN). 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
Arroyo
Barrasso
Barrasso
Boozman
Burr
Capito
Cassidy
Collins
Cochran
Cornyn
Cotton

Grapo
Isakson
Johnson
Kaine
King
Kirk
Lankford
Manchin
McCaul
Grassley
McConnell
Heller
Hoeven
Markowski
Inhofe
Paul

YEAS—60

Corker
Cochran
Cassidy
Capito
Boozman
Ayotte
Boozman
Burr
Capito
Cassidy
Collins
Cochran
Cornyn
Cotton

Grapo
Isakson
Johnson
Kaine
King
Kirk
Lankford
Manchin
McCaul
Grassley
McConnell
Heller
Hoeven
Markowski
Inhofe
Paul

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 vote threshold for adoption.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. 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 amendment (No. 2898) was agreed to.

The majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent that following disposition of Paul amendment No. 2914 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. 2918, and Murphy amendment No. 2919.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senate vote on the motion to invoke a time limitation. The Senate vote on the motion to invoke a time limitation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. PAUL. Mr. President, I ask unanimous consent that following disposition of amendment No. 2917 the bill clerk read as follows:

Mr. PAUL. Mr. President, I ask unanimous consent that following disposition of amendment No. 2917 the bill clerk read as follows:

The amendment (No. 2918) was agreed to.

The majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent that following disposition of amendment No. 2918 the Speaker be recognized 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 adoption of 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 debate 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 Senate vote on the motion to invoke cloture. The Senate vote on the motion to invoke cloture. The Senate vote on the motion to invoke cloture.

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 vote threshold for adoption.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. 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 amendment (No. 2916) was agreed to.

The majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent that following disposition of amendment No. 2917 the bill clerk read as follows:

The amendment (No. 2917) was agreed to.

The majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent that following disposition of amendment No. 2918 the bill clerk read as follows:

The amendment (No. 2918) was agreed to.
Mr. ENZI. Mr. President, I call up amendment No. 2916.

The PRESIDING OFFICER. The clerk will report.

The bill clerk reads 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 or charging them exorbitantly. And consumers, 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 me 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. RUBIO. Mr. President, 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


NAYS—47

Baldwin  Bennet  Blumenthal  Booker  Boxer  Brown  Cantwell  Cardin  Carper  Casey  Coons  Corker  Donnelly  Durbin  Feinstein  Franken  Gillibrand  Grassley  Harkin  Hamels  Hirono  Kaine  King  Kirk  Klobuchar  Leahy  Manchin  Mark Warner  McCaskill  Menendez  Merkley  Mikulski  Murphy  Murray  Nelson  Peters  Reed  Snowe  Shaheen  Whitehouse

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

The tobacco companies 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 reads 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 reverse 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 a further debate?

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

The amendment (No. 2917) was agreed to.

The amendment (No. 2917) was agreed to.
The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. BALDWIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

Mr. 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 those tax credits and Medicaid for millions of low-income Americans. Thanks to the Affordable Care Act, over 183,000 Wisconsin families—hard-working Wisconsin families—have obtained quality, affordable private health insurance coverage through the health marketplace. Almost 90 percent of these Wisconsin families are receiving support to make their coverage more affordable.

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

Ms. BALDWIN. Americans deserve to know their coverage will be there when they need it. 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 advanced 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 ban 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.

Mr. MURPHY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

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—shortly, 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 hearing, 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 premiums are decreasing for the 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 investment 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 proceed against this amendment.

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. SASSER). Are there any other Senators nays 53, as follows:

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

[Rollcall Vote No. 328 Leg.]

YEAS—46

Baldwin
Bennet
Blumenthal
Booher
Boxer
Brown
Casswell
Carpenter
Casey
Coats
Cassidy
Capito
Carper
Crapo
Donnelly
Durbin
Feinstein
Franken
Feinstein
Durbin
Donnelly
Coats
Casswell
Carpenter
Casey
Coats
Cassidy
Capito
Carper
Crapo
Donnelly
Durbin
Feinstein
Franken

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, are we about to have a voice vote on the substitute amendment, and I would 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 doubled down on all of the things that are wrong with this 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.

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I would just like to point out to everyone that there is a sufficient second.

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

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

VOTE ON AMENDMENT NO. 2916, AS AMENDED

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

Mrs. MURRAY. I yield back my time.

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

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. 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
Ayotte
Barrasso
Bennet
Blumenthal
Booher
Boxer
Brown
Casswell
Carpenter
Casey
Coats
Cassidy
Capito
Cardin
Carper
Crapo
Donnelly
Durbin
Feinstein
Franken

NOT VOTING—1

Sanders

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

The result was announced—yeas 52, nays 47, as follows:
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 growth. 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 projects more quickly, 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 this bill takes the long road 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, the answer is to address the causes of delay and not use this bill as a Trojan horse to dismantle our Nation’s foundational environmental