meetings are taking place, as we speak, in Buenos Aires, Argentina, to finalize planning for the IANA transition. And quick action on the DOTCOM Act is needed to provide a better alternative to the language in the House Commerce, Justice, Science Appropriations bill that blocks NTIA's ability to implement the transition. Unlike the appropriations rider, the DOTCOM Act provides a real opportunity for congressional oversight, so I urge all my colleagues to support it.

Finally, Mr. Speaker, I want to thank Chairmen UPTON and WALDEN, Representative SHIMKUS, and their respective staffs, David Redl and Greta Joynes, for working with Congresswoman ESHOO and other Democrats on this bill. The DOTCOM Act shows what we can accomplish when our work is bipartisan from the start. I would also like to thank David Goldman and Margaret McCarthy of my staff for their hard work on this legislation. I look forward to working with you all and our colleagues in the Senate to see this bill become law.

Mr. Speaker, I have no other speakers. I urge passage of the DOTCOM Act.

I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 805, the DOTCOM Act.

Over the past two decades, U.S. policy through Republican and Democratic administrations has supported the transition of the Internet Assigned Numbers Authority (IANA) to the private sector. The DOTCOM Act which passed the Energy and Commerce Committee by voice vote last week carries on this bipartisan tradition by ensuring that the IANA transition supports and enhances the multi-stakeholder model of Internet governance; maintains the security, stability, and resiliency of the Internet domain name system; and does not replace the role of the NTIA with a government-led or intergovernmental organization solution.

Importantly, the DOTCOM Act as amended by the Committee, represents a sensible alternative to the funding restriction included in the House-passed Commerce, Justice and Science (CJS) Appropriations bill. I look forward to working with my colleagues to see that the DOTCOM Act becomes the law of the land—rather than enacting a counterproductive limitation of funds which sends the wrong message to the international community.

I thank Chairman WALDEN, Ranking Member PALLONE and Congressman SHIMKUS for their bipartisan cooperation on this bill and I urge my colleagues to support the DOTCOM Act, which is a vote for the multi-stakeholder model of Internet governance and a global, open Internet, free from governmental control.

Mr. UPTON. Mr. Speaker, right now as we speak, the international community is meeting in Argentina to discuss the state of the Internet around the globe. We have an opportunity today to send a loud and clear message to those gathered in Buenos Aires: that the United States will not stand for anything other than strong safeguards to protect our online future.

By advancing the DOTCOM Act, we can ensure that the Internet—the world's greatest platform of ideas, commerce, and social connection—continues to thrive to the benefit of folks in Michigan and every corner of the country.

As we move toward transitioning the United States' oversight role of the Domain Name System to the international community of stakeholders, it is essential we tread carefully and thoughtfully. The bill we are considering today is a bipartisan effort to ensure appropriate congressional oversight of this incredibly important transition, and ensure that the administration and NTIA get it right as there are no do-overs.

Over the course of the past year, the Energy and Commerce Committee has engaged in efforts to ensure that any transition proposal considered by the administration contains the necessary safeguards to protect the Internet. This bill incorporates the criteria initially put forward by NTIA, and requires the agency to certify to Congress that the proposal meets these important metrics. It would also put important accountability measures in place for the Internet community.

This legislation, which the Energy and Commerce Committee approved by voice vote, is the result of many informative hearings, feedback from a variety of stakeholders—both domestically and internationally—and productive and ongoing conversations between members on both sides of the aisle. Once again, our committee's efforts demonstrate that Congress can work together to achieve meaningful results and build a bipartisan record of success. I want to recognize Mr. SHIMKUS for his leadership on this issue from the beginning, as well as Chairman WALDEN and Ranking Member PALLONE for their hard work on this commonsense solution to protect the Internet on which we have come to depend.

The world is watching. A vote for the DOTCOM Act is a vote for effective Congressional oversight. I urge all members to support this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 805, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHIMKUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

TSCA MODERNIZATION ACT OF 2015

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2576) to modernize the Toxic Substances Control Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''TSCA Modernization Act of 2015''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

Section 3 of the Toxic Substances Control Act (15 U.S.C. 2602) is amended—

(1) by redesignating paragraphs (7) through (14) as paragraphs (8) through (10) and (12) through (16), respectively;

(2) by inserting after paragraph (6) the following:

''(7) The term 'intended conditions of use' means the circumstances under which a chemical substance is intended, known, or reasonably foreseeable to be manufactured, processed, distributed in commerce, used, and disposed of.''; and

(3) by inserting after paragraph (10), as so redesignated, the following:

''(11) The term 'potentially exposed subpopulation' means a group of individuals within the general population who, due to either greater susceptibility or greater potential exposure, are likely to be at greater risk than the general population of adverse health effects from exposure to a chemical substance.''.

SEC. 3. TESTING OF CHEMICAL SUBSTANCES AND MIXTURES.

Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)(iii), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (B)(iii), by striking ''; and'' and inserting ''; or''; and

(C) by adding at the end the following:

''(C) testing of a chemical substance is necessary to conduct a risk evaluation under section 6(b); and'';

(2) in the matter following subsection (a)(2), by inserting '', order, or consent agreement'' after ''by rule''; and

(3) in subsection (b)(5), by striking ''paragraph (1)(A) or (1)(B)'' and inserting ''paragraph (1)(A), (1)(B), or (1)(C)''.

SEC. 4. REGULATION OF HAZARDOUS CHEMICAL SUBSTANCES AND MIXTURES.

(a) SCOPE OF REGULATION.—Section 6(a) of the Toxic Substances Control Act (15 U.S.C. 2605(a)) is amended—

(1) by striking ''finds that there is a reasonable basis to conclude'' and inserting ''determines under subsection (b)'';

(2) by inserting ''or designates a chemical substance under subsection (i)(2),'' before ''the Administrator shall by rule''; and

(3) by striking ''to protect adequately against such risk using the least burdensome requirements'' and inserting ''so that the chemical substance or mixture no longer presents or will present an unreasonable risk, including an identified unreasonable risk to a potentially exposed subpopulation''.

(b) RISK EVALUATIONS.—Section 6(b) of the Toxic Substances Control Act (15 U.S.C. 2605(b)) is amended to read as follows:

''(b) RISK EVALUATIONS.—

''(1) IN GENERAL.—The Administrator shall conduct risk evaluations pursuant to this subsection to determine whether or not a chemical substance presents or will present, in the absence of requirements under subsection (a), an unreasonable risk of injury to health or the environment.

''(2) APPLYING REQUIREMENTS.—The Administrator shall apply requirements with respect to a chemical substance through a rule

under subsection (a) only if the Administrator determines through a risk evaluation under this subsection, without consideration of costs or other non-risk factors, that the chemical substance presents or will present, in the absence of such requirements, an unreasonable risk of injury to health or the environment.

''(3) CONDUCTING RISK EVALUATION.—

''(A) REQUIRED RISK EVALUATIONS.—The Administrator shall conduct and publish the results of a risk evaluation under this subsection for a chemical substance if—

''(i) the Administrator determines that the chemical substance may present an unreasonable risk of injury to health or the environment because of potential hazard and a potential route of exposure under the intended conditions of use; or

''(ii) a manufacturer of the chemical substance requests such a risk evaluation in a form and manner prescribed by the Administrator.

''(B) TSCA WORK PLAN CHEMICALS.—The Administrator may, without making a determination under subparagraph (A)(i), conduct and publish the results of a risk evaluation under this subsection for a chemical substance that, on the date of enactment of the TSCA Modernization Act of 2015, is listed in the TSCA Work Plan for Chemical Assessments published by the Administrator.

''(4) REQUIREMENTS.—In conducting a risk evaluation under this subsection, the Administrator shall—

''(A) integrate and assess information on hazards and exposures for all of the intended conditions of use of the chemical substance, including information that is relevant to specific risks of injury to health or the environment and information on potentially exposed subpopulations;

''(B) not consider information on cost and other factors not directly related to health or the environment;

''(C) take into account, where relevant, the likely duration, intensity, frequency, and number of exposures under the intended conditions of use of the chemical substance;

''(D) describe the weight of the scientific evidence for identified hazard and exposure;

''(E) consider whether the weight of the scientific evidence supports the identification of doses of the chemical substance below which no adverse effects can be expected to occur; and

''(F) in the case of a risk evaluation requested by a manufacturer under paragraph (3)(A)(ii), ensure that the costs to the Environmental Protection Agency, including contractor costs, of conducting the risk evaluation are paid for by the manufacturer.

''(5) DEADLINES.—

''(A) RISK EVALUATIONS.—The Administrator shall conduct and publish a risk evaluation under this subsection for a chemical substance as soon as reasonably possible, subject to the availability of resources, but not later than—

''(i) 3 years after the date on which the Administrator—

''(I) makes a determination under paragraph (3)(A)(i); or

''(II) begins the risk evaluation under paragraph (3)(B); or

''(ii) in the case of a risk evaluation requested by a manufacturer under paragraph (3)(A)(ii), 2 years after the later of the date on which—

''(I) the manufacturer requests the risk evaluation; or

''(II) if applicable, the risk evaluation is initiated pursuant to subparagraph (B).

''(B) DEADLINE ADJUSTMENT.—If the Administrator receives more requests for risk evaluations under paragraph (3)(A)(ii) than the Administrator has resources to conduct by the deadline under subparagraph (A)(ii)(I) (taking into account the requirement in paragraph (4)(F)), the Administrator shall—

''(i) initiate risk evaluations that exceed the Administrator's allotted resources as soon as resources for such risk evaluations are available; and

''(ii) not collect a fee under section 26 from the manufacturer for a risk evaluation until the Administrator initiates the risk evaluation.

''(C) SUBSECTION (a) RULES.—If, based on a risk evaluation conducted under this subsection, the Administrator determines, without consideration of costs or other non-risk factors, that a chemical substance presents or will present, in the absence of a rule under subsection (a), an unreasonable risk of injury to health or the environment, the Administrator shall—

''(i) propose a rule under subsection (a) for the chemical substance not later than 1 year after the date on which the risk evaluation regarding such chemical substance is published under subparagraph (A); and

''(ii) publish in the Federal Register a final rule not later than 2 years after the date on which the risk evaluation regarding such chemical substance is published under subparagraph (A).

''(D) EXTENSION.—If the Administrator determines that additional information is necessary to make a risk evaluation determination under this subsection, the Administrator may extend the deadline under subparagraph (A) accordingly, except that the deadline may not be extended to a date that is later than—

''(i) 90 days after receipt of such additional information; or

''(ii) 2 years after the deadline being extended under this subparagraph.

''(6) DETERMINATIONS OF NO UNREASONABLE RISK.—

''(A) NOTICE AND COMMENT.—Not later than 30 days before publishing a final determination under this subsection that a chemical substance does not and will not present an unreasonable risk of injury to health or the environment, the Administrator shall make a preliminary determination to such effect and provide public notice of, and an opportunity for comment regarding, such preliminary determination.

''(B) POTENTIALLY EXPOSED SUBPOPULATIONS.—The Administrator shall not make a determination under this subsection that a chemical substance will not present an unreasonable risk of injury to health or the environment if the Administrator determines that the chemical substance, under the intended conditions of use, presents or will present an unreasonable risk of injury to 1 or more potentially exposed subpopulations.

''(C) FINAL ACTION.—A final determination under this subsection that a chemical substance will not present an unreasonable risk of injury to health or the environment shall be considered a final agency action.

''(7) MINIMUM NUMBER.—Subject to the availability of appropriations, the Administrator shall initiate 10 or more risk evaluations under paragraphs (3)(A)(i) or (3)(B) in each fiscal year beginning in the fiscal year of the date of enactment of the TSCA Modernization Act of 2015.''.

(c) PROMULGATION OF SUBSECTION (a) RULES.—Section 6(c) of the Toxic Substances Control Act (15 U.S.C. 2605(c)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) REQUIREMENTS FOR RULE.—In promulgating any rule under subsection (a) with respect to a chemical substance or mixture, the Administrator shall—

''(A) consider and publish a statement with respect to—

''(i) the effects of the chemical substance or mixture on health and the magnitude of the exposure of human beings to the chemical substance or mixture;

''(ii) the effects of the chemical substance or mixture on the environment and the magnitude of the exposure of the environment to the chemical substance or mixture;

''(iii) the benefits of the chemical substance or mixture for various uses; and

''(iv) the reasonably ascertainable economic consequences of the rule, including consideration of the likely effect of the rule on the national economy, small business, technological innovation, the environment, and public health;

''(B) impose requirements under the rule that the Administrator determines, consistent with the information published under subparagraph (A), are cost-effective, except where the Administrator determines that additional or different requirements described in subsection (a) are necessary to protect against the identified risk;

''(C) based on the information published under subparagraph (A), in deciding whether to prohibit or restrict in a manner that substantially prevents a specific use of a chemical substance or mixture and in setting an appropriate transition period for such action, determine whether technically and economically feasible alternatives that benefit health or the environment, compared to the use so proposed to be prohibited or restricted, will be reasonably available as a substitute when the proposed prohibition or other restriction takes effect;

''(D) exempt replacement parts designed prior to the date of publication in the Federal Register of the rule unless the Administrator finds such replacement parts contribute significantly to the identified risk, including identified risk to identified potentially exposed subpopulations; and

''(E) in selecting among prohibitions and other restrictions to address an identified risk, apply prohibitions or other restrictions to articles on the basis of a chemical substance or mixture contained in the article only to the extent necessary to protect against the identified risk.'';

(2) in paragraph (2)—

(A) by inserting ''PROCEDURES.—'' before ''When prescribing a rule'';

(B) by striking ''provide an opportunity for an informal hearing in accordance with paragraph (3); (D)'';

(C) by striking '', and (E)'' and inserting ''; and (D)''; and

(D) by moving such paragraph 2 ems to the right;

(3) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3); and

(4) in paragraph (3) (as so redesignated)—

(A) by striking ''Paragraphs (1), (2), (3), and (4)'' and inserting ''APPLICATION.—Paragraphs (1) and (2)''; and

(B) by moving such paragraph 2 ems to the right.

(d) EFFECTIVE DATE.—Section 6(d)(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2605(d)(2)(B)) is amended by adding at the end the following: ''Any rule promulgated under subsection (a) shall provide for a reasonable transition period.''.

(e) NON-RISK FACTORS; CRITICAL USE EXEMPTIONS; PBT CHEMICALS.—Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

''(g) NON-RISK FACTORS.—The Administrator shall not consider costs or other non-risk factors when deciding whether to initiate a rulemaking under subsection (a).

''(h) CRITICAL USE EXEMPTIONS.—

''(1) CRITERIA FOR EXEMPTION.—The Administrator may grant an exemption from a requirement of a subsection (a) rule for a specific use of a chemical substance or mixture, if—

''(A) the requirement is not cost-effective with respect to the specific use, as determined by the Administrator pursuant to subsection (c)(1)(B); and

''(B) the Administrator finds that—

''(i) the specific use is a critical or essential use; or

''(ii) the requirement, as applied with respect to the specific use, would significantly disrupt the national economy, national security, or critical infrastructure.

''(2) PROCEDURE.—An exemption granted under paragraph (1) shall be—

''(A) supported by clear and convincing evidence;

''(B) preceded by public notice of the proposed exemption and an opportunity for comment; and

''(C) followed by notice of the granted exemption—

''(i) to the public, by the Administrator; and

''(ii) to known commercial purchasers of the chemical substance or mixture with respect to which the exemption applies, by the manufacturers and processors of such chemical substance or mixture.

''(3) PERIOD OF EXEMPTION.—An exemption granted under paragraph (1) shall expire after a period not to exceed 5 years, but may be renewed for one or more additional 5-year periods if the Administrator finds that the requirements of paragraph (1) continue to be met.

''(4) CONDITIONS.—The Administrator shall impose conditions on any use for which an exemption is granted under paragraph (1) to reduce risk from the chemical substance or mixture to the greatest extent feasible.

''(i) CHEMICALS THAT ARE PERSISTENT, BIOACCUMULATIVE, AND TOXIC.—

''(1) IDENTIFICATION.—Not later than 9 months after the date of enactment of the TSCA Modernization Act of 2015, the Administrator shall publish a list of those chemical substances that the Administrator has a reasonable basis to conclude are persistent, bioaccumulative, and toxic, not including any chemical substance that is a metal, a metal compound, or subject to subsection (e).

''(2) CONFIRMATION OF CONCERN.—Not later than 2 years after the date of enactment of the TSCA Modernization Act of 2015, the Administrator shall designate as a PBT chemical of concern each chemical substance on the list published under paragraph (1)—

''(A) that, with respect to persistence and bioaccumulation, scores high for one and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012; and

''(B) exposure to which is likely to the general population or to a potentially exposed subpopulation identified by the Administrator.

''(3) EXPEDITED ACTION.—Notwithstanding subsection (b)(2), subject to the availability of appropriations, not later than 2 years after designating a chemical substance under paragraph (2), the Administrator shall promulgate a rule under subsection (a) with respect to the chemical substance to reduce likely exposure to the extent practicable.

''(4) RELATIONSHIP TO SUBSECTION (b).—If, at any time prior to the date that is 90 days after the date on which the Administrator publishes the list under paragraph (1), the Administrator makes a finding under subsection (b)(3)(A)(i), or a manufacturer requests a risk evaluation under subsection (b)(3)(A)(ii), with respect to a chemical substance, such chemical substance shall not be subject to this subsection.''.

SEC. 5. RELATIONSHIP TO OTHER FEDERAL LAWS.

Section 9(b) of the Toxic Substances Control Act (15 U.S.C. 2608(b)) is amended—

(1) by striking ''The Administrator shall coordinate'' and inserting ''(1) The Administrator shall coordinate''; and

(2) by adding at the end the following:

''(2) In making a determination under paragraph (1) that it is in the public interest for the Administrator to take an action under this title with respect to a chemical substance or mixture rather than under another law administered in whole or in part by the Administrator, the Administrator shall consider the relevant risks, and compare the estimated costs and efficiencies, of the action to be taken under this title and an action to be taken under such other law to protect against such risk.''.

SEC. 6. DISCLOSURE OF DATA.

Section 14 of the Toxic Substances Control Act (15 U.S.C. 2613) is amended—

(1) in subsection (a)—

(A) by striking ''or'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(C) by adding after paragraph (4) the following new paragraphs:

''(5) may be disclosed to a State, local, or tribal government official upon request of the official for the purpose of administration or enforcement of a law; and

''(6) shall be disclosed upon request—

''(A) to a health or environmental professional employed by a Federal or State agency in response to an environmental release; or

''(B) to a treating physician or other health care professional to assist in the diagnosis or treatment of 1 or more individuals.'';

(2) in subsection (b)(1), in the matter following subparagraph (B)—

(A) by striking ''data which discloses'' and inserting ''data that disclose formulas (including molecular structures) of a chemical substance or mixture,'';

(B) by striking ''mixture or,'' and inserting ''mixture, or,''; and

(C) by striking ''the release of data disclosing'';

(3) in subsection (c)—

(A) by striking the subsection heading and inserting ''DESIGNATING AND SUBSTANTIATING CONFIDENTIALITY.—'';

(B) by amending paragraph (1) to read as follows: ''(1)(A) In submitting information under this Act after date of enactment of the TSCA Modernization Act of 2015, a manufacturer, processor, or distributor in commerce shall designate the information which such person believes is entitled to protection under this section, and submit such designated information separately from other information submitted under this Act. A designation under this subparagraph shall be made in writing and in such manner as the Administrator may prescribe, and shall include—

''(i) justification for each designation of confidentiality;

''(ii) a certification that the information is not otherwise publicly available; and

''(iii) separate copies of all submitted information, with 1 copy containing and 1 copy excluding the information to which the request applies.

''(B) Designations made under subparagraph (A) after the date of enactment of the TSCA Modernization Act of 2015 shall expire after 10 years, at which time the information shall be made public unless the manufacturer, processor, or distributor in commerce has reasserted the claim for protection, in writing and in such manner as the Administrator may prescribe, including all of the elements required for the initial submission.

''(C) Not later than 60 days prior to making information public under subparagraph (B), the Administrator shall notify, as appropriate and practicable, the manufacturer, processor, or distributor in commerce who designated the information under subparagraph (A) of the date on which such information will be made public unless a request for renewal is granted under subparagraph (B).''; and

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting '', for a reason other than the expiration of such designation pursuant to paragraph (1)(B),'' before ''proposes to release''; and

(ii) in subparagraph (B)(i), by striking ''or (4)'' and inserting ''(4), or (6)''; and

(4) by adding at the end the following new subsections:

''(f) PROHIBITION.—No person who receives information as permitted under subsection (a) may use such information for any purpose not specified in such subsection, nor disclose such information to any person not authorized to receive such information.

''(g) SAVINGS.—Nothing in this section shall be construed to affect the applicability of State or Federal rules of evidence or procedure in any judicial proceeding.''.

SEC. 7. EFFECT ON STATE LAW.

(a) IN GENERAL.—Section 18(a) of the Toxic Substances Control Act (15 U.S.C. 2617(a)) is amended—

(1) in paragraph (2)(A), by striking ''; and'' and inserting a semicolon;

(2) by striking paragraph (2)(B) and inserting the following:

''(B) if the Administrator makes a final determination under section 6(b) that a chemical substance will not present an unreasonable risk of injury to health or the environment under the intended condition of use, no State or political subdivision may, after the date of publication of such determination, establish or continue in effect any requirement that applies to such chemical substance under the intended conditions of use considered by the Administrator in the risk evaluation under section 6(b), and is designed to protect against exposure to such chemical substance under the intended conditions of use, unless the requirement of the State or political subdivision—

''(i) is adopted under the authority of a Federal law; or

''(ii) is adopted to protect air or water quality or is related to waste treatment or waste disposal, except that this clause does not apply to such a requirement if a provision of this title, or an action or determination made by the Administrator under this title, actually conflicts with the requirement; and

''(C) if the Administrator imposes a requirement, through a rule or order under section 5 or 6, that applies to a chemical substance or mixture (other than a requirement described in section 6(a)(6)) and is designed to protect against a risk of injury to health or the environment associated with such chemical substance or mixture, no State or political subdivision may, after the effective date of such requirement, establish or continue in effect any requirement that applies to such chemical substance or mixture (including a requirement that applies to an article because the article contains the chemical substance or mixture) and is designed to protect against exposure to the chemical substance or mixture either under the intended conditions of use considered by the Administrator in the risk evaluation under section 6(b) or from a use identified in a notice received by the Administrator under

section 5(a), or, in the case of a requirement imposed pursuant to section 6(i), is designed to protect against a risk of injury considered by the Administrator in imposing such requirement, unless the requirement of the State or political subdivision—

''(i) is identical to the requirement imposed by the Administrator;

''(ii) is adopted under the authority of a Federal law; or

''(iii) is adopted to protect air or water quality or is related to waste treatment or waste disposal, except that this clause does not apply to such a requirement if a provision of this title, or an action or determination made by the Administrator under this title, actually conflicts with the requirement.''; and

(3) by adding at the end the following:

''(3) In the case of an identical requirement described in paragraph (2)(C)(i)—

''(A) a State may not assess a penalty for a specific violation for which the Administrator has assessed a penalty under section 16; and

''(B) if a State has assessed a penalty for a specific violation, the Administrator may not assess a penalty for that violation in an amount that would cause the total of the penalties assessed for the violation by the State and the Administrator combined to exceed the maximum amount that may be assessed for that violation by the Administrator under section 16.''.

(b) SAVINGS.—Section 18 of the Toxic Substances Control Act (15 U.S.C. 2617) is amended by adding at the end the following:

''(c) SAVINGS.—

''(1) PRIOR STATE ACTIONS.—Nothing in this title, nor any risk evaluation, rule, order, standard, or requirement completed or implemented under this title, shall be construed to preempt or otherwise affect the authority of a State or political subdivision of a State to continue to enforce any action taken or requirement that has taken effect—

''(A) before August 1, 2015, under the authority of a State law that prohibits or otherwise restricts the manufacturing, processing, distribution in commerce, use, or disposal of a chemical substance; or

''(B) pursuant to a State law that was in effect on August 31, 2003,

unless an action or determination made by the Administrator under this title actually conflicts with the action taken or requirement that has taken effect pursuant to such a State law.

''(2) TORT AND CONTRACT LAW.—Nothing in this title, nor any risk evaluation, rule, order, standard, or requirement completed or implemented under this title, shall be construed to preempt or otherwise affect either Federal or State tort law or the law governing the interpretation of contracts of any State, including any remedy for civil relief, whether under statutory or common law, including a remedy for civil damages, and any cause of action for personal injury, wrongful death, property damage, or other injury based on negligence, strict liability, products liability, failure to warn, or any other legal theory relating to tort law.

''(3) INTENT OF CONGRESS.—It is not the intent of Congress that this title, or rules, regulations, or orders issued pursuant to this title, be interpreted as influencing, in either a plaintiff's or defendant's favor, the disposition of any civil action for damages in a State court, or the authority of any court to make a determination in an adjudicatory proceeding under applicable State law with respect to the admissibility of evidence, unless a provision of this title actually conflicts with the State court action.

''(4) APPLICATION.—For purposes of this title, the term 'requirements' does not include civil tort actions for damages under State law.''.

(c) EFFECT OF ACTIONS BY ADMINISTRATOR.—Nothing in this Act, or the amendments made by this Act, shall be construed as changing the preemptive effect of an action taken by the Administrator prior to the date of enactment of this Act or under section 6(e).

SEC. 8. ADMINISTRATION OF THE ACT.

Section 26 of the Toxic Substances Control Act (15 U.S.C. 2625) is amended—

(1) in subsection (b)(1)—

(A) by striking ''of a reasonable fee'';

(B) by inserting ''of a fee that is sufficient and not more than reasonably necessary'' after ''section 4 or 5'';

(C) by inserting '', or who requests a risk evaluation under section 6(b)(3)(A)(ii),'' before ''to defray the cost'';

(D) by striking ''this Act'' and inserting ''the provision of this title for which such fee is collected''; and

(E) by striking ''Such rules shall not provide for any fee in excess of $2,500 or, in the case of a small business concern, any fee in excess of $100.'' and inserting ''Such rules shall provide for lower fees for small business concerns.'';

(2) by adding at the end of subsection (b) the following:

''(3) FUND.—

''(A) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the TSCA Service Fee Fund (in this paragraph referred to as the 'Fund'), consisting of such amounts as are deposited in the Fund under this paragraph.

''(B) COLLECTION AND DEPOSIT OF FEES.—The Administrator shall collect the fees described in paragraph (1) and deposit those fees in the Fund.

''(C) CREDITING AND AVAILABILITY OF FEES.—On request by the Administrator, the Secretary of the Treasury shall transfer from the Fund to the Administrator amounts appropriated to pay or recover the full costs incurred by the Environmental Protection Agency, including contractor costs, in carrying out the provisions of this title for which the fees are collected under paragraph (1).

''(D) USE OF FUNDS BY ADMINISTRATOR.—Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, and shall be available without fiscal year limitation for use only in administering the provisions of this title for which the fees are collected.

''(E) ACCOUNTING AND AUDITING.—

''(i) ACCOUNTING.—The Administrator shall biennially prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes an accounting of the fees paid to the Administrator under this paragraph and amounts disbursed from the Fund for the period covered by the report, as reflected by financial statements provided in accordance with sections 3515 and 3521 of title 31, United States Code.

''(ii) AUDITING.—

''(I) IN GENERAL.—For the purpose of section 3515(c) of title 31, United States Code, the Fund shall be considered a component of a covered executive agency.

''(II) COMPONENTS OF AUDIT.—The annual audit required in accordance with sections 3515 and 3521 of title 31, United States Code, of the financial statements of activities carried out using amounts from the Fund shall include an analysis of—

''(aa) the fees collected and amounts disbursed under this subsection;

''(bb) the reasonableness of the fees in place as of the date of the audit to meet current and projected costs of administering the provisions of the title for which the fees are collected; and

''(cc) the number of requests for a risk evaluation made by manufacturers under section 6(b)(3)(A)(ii).

''(III) FEDERAL RESPONSIBILITY.—The Inspector General of the Environmental Protection Agency shall conduct the annual audit described in subclause (II) and submit to the Administrator a report that describes the findings and any recommendations of the Inspector General resulting from the audit.''; and

(3) by adding at the end the following:

''(h) SCIENTIFIC STANDARDS.—In carrying out sections 4, 5, and 6, to the extent that the Administrator makes a decision based on science, the Administrator shall consider, as applicable—

''(1) the extent to which the scientific and technical procedures, measures, methods, or models employed to generate the information are reasonable for and consistent with the use of the information;

''(2) the extent to which the information is relevant for the Administrator's use in making a decision about a chemical substance or mixture;

''(3) the degree of clarity and completeness with which the data, assumptions, methods, quality assurance, and analyses employed to generate the information are documented;

''(4) the extent to which the variability and uncertainty in the information, or in the procedures, measures, methods, or models, are evaluated and characterized; and

''(5) the extent of independent verification or peer review of the information or of the procedures, measures, methods, or models.

''(i) WEIGHT OF SCIENTIFIC EVIDENCE.—The Administrator shall make decisions under sections 4, 5, and 6 based on the weight of the scientific evidence.

''(j) AVAILABILITY OF INFORMATION.—Subject to section 14, the Administrator shall make available to the public all notices, determinations, findings, rules, and orders of the Administrator under this title.

''(k) POLICIES, PROCEDURES, AND GUIDANCE.—

''(1) DEVELOPMENT.—Not later than 2 years after the date of enactment of the TSCA Modernization Act of 2015, the Administrator shall develop any policies, procedures, and guidance the Administrator determines are necessary to carry out the amendments to this Act made by the TSCA Modernization Act of 2015.

''(2) REVIEW.—Not later than 5 years after the date of enactment of the TSCA Modernization Act of 2015, and not less frequently than once every 5 years thereafter, the Administrator shall—

''(A) review the adequacy of the policies, procedures, and guidance developed under paragraph (1), including with respect to animal, nonanimal, and epidemiological test methods and procedures for assessing and determining risk under this title; and

''(B) revise such policies, procedures, and guidance as the Administrator determines necessary to reflect new scientific developments or understandings.

''(l) REPORT TO CONGRESS.—

''(1) INITIAL REPORT.—Not later than 6 months after the date of enactment of the TSCA Modernization Act of 2015, the Administrator shall submit to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a report containing an estimation of—

''(A) the capacity of the Environmental Protection Agency to conduct and publish

risk evaluations under subparagraphs (A)(i) and (B) of section 6(b)(3), and the resources necessary to initiate the minimum number of risk evaluations required under section 6(b)(7);

''(B) the capacity of the Environmental Protection Agency to conduct and publish risk evaluations under section 6(b)(3)(A)(ii), the likely demand for such risk evaluations, and the anticipated schedule for accommodating that demand;

''(C) the capacity of the Environmental Protection Agency to promulgate rules under section 6(a) as required based on risk evaluations conducted and published under section 6(b); and

''(D) the actual and anticipated efforts of the Environmental Protection Agency to increase the Agency's capacity to conduct and publish risk evaluations under section 6(b).

''(2) SUBSEQUENT REPORTS.—The Administrator shall update and resubmit the report described in paragraph (1) not less frequently than once every 5 years.''.

SEC. 9. CONFORMING AMENDMENTS.

(a) SECTION 4.—Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''rule'' each place it appears and inserting ''rule, order, or consent agreement'';

(B) in paragraph (2)(B), by striking ''rules'' and inserting ''rules, orders, and consent agreements'';

(C) in paragraph (3), by striking ''rule'' each place it appears and inserting ''rule, order, or consent agreement''; and

(D) in paragraph (4)—

(i) by striking ''rule under subsection (a)'' each place it appears and inserting ''rule, order, or consent agreement under subsection (a)'';

(ii) by striking ''repeals the rule'' each place it appears and inserting ''repeals the rule or order or modifies the consent agreement to terminate the requirement''; and

(iii) by striking ''repeals the application of the rule'' and inserting ''repeals or modifies the application of the rule, order, or consent agreement'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''rule'' and inserting ''rule or order'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''a rule under subsection (a) or for which data is being developed pursuant to such a rule'' and inserting ''a rule, order, or consent agreement under subsection (a) or for which data are being developed pursuant to such a rule, order, or consent agreement'';

(ii) in subparagraph (B), by striking ''such rule or which is being developed pursuant to such rule'' and inserting ''such rule, order, or consent agreement or which is being developed pursuant to such rule, order, or consent agreement''; and

(iii) in the matter following subparagraph (B), by striking ''the rule'' and inserting ''the rule or order'';

(C) in paragraph (3)(B)(i), by striking ''rule promulgated'' and inserting ''rule, order, or consent agreement''; and

(D) in paragraph (4)—

(i) by striking ''rule promulgated'' each place it appears and inserting ''rule, order, or consent agreement'';

(ii) by striking ''such rule'' each place it appears and inserting ''such rule, order, or consent agreement''; and

(iii) in subparagraph (B), by striking ''the rule'' and inserting ''the rule, order, or consent agreement'';

(3) in subsection (d), by striking ''rule'' and inserting ''rule, order, or consent agreement''; and

(4) in subsection (g), by striking ''rule'' and inserting ''rule, order, or consent agreement''.

(b) SECTION 5.—Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking ''rule promulgated'' and inserting ''rule, order, or consent agreement''; and

(ii) by striking ''such rule'' and inserting ''such rule, order, or consent agreement'';

(B) in paragraph (1)(B)—

(i) by striking ''rule promulgated'' and inserting ''rule or order''; and

(ii) by striking ''the date of the submission in accordance with such rule'' and inserting ''the required date of submission''; and

(C) in paragraph (2)(A)(ii), by striking ''rule promulgated'' and inserting ''rule, order, or consent agreement'';

(2) in subsection (d)(2)(C), by striking ''rule'' and inserting ''rule, order, or consent agreement''; and

(3) in subsection (h)(4), by striking ''paragraphs (2) and (3) of section 6(c)'' and inserting ''paragraph (2) of section 6(c)''.

(c) SECTION 6.—Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended—

(1) in subsection (d)(2)(B)—

(A) by striking '', provide reasonable opportunity, in accordance with paragraphs (2) and (3) of subsection (c), for a hearing on such rule,'' and inserting ''in accordance with paragraph (2) of subsection (c),''; and

(B) by striking ''; and if such a hearing is requested'' and all that follows through ''or revoke it.'' and inserting a period; and

(2) in subsection (e)(4), by striking ''paragraphs (2), (3), and (4) of subsection (c)'' and inserting ''paragraph (2) of subsection (c)''.

(d) SECTION 7.—Section 7(a)(1) of the Toxic Substances Control Act (15 U.S.C. 2606(a)(1)) is amended, in the matter following subparagraph (C), by striking ''a rule under section 4, 5, 6, or title IV or an order under section 5 or title IV'' and inserting ''a rule under section 4, 5, or 6 or title IV, an order under section 4 or 5 or title IV, or a consent agreement under section 4''.

(e) SECTION 8.—Section 8(a)(3)(A)(ii)(I) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(3)(A)(ii)(I)) is amended by striking ''or an order in effect under section 5(e)'' and inserting '', an order in effect under section 4 or 5(e), or a consent agreement under section 4''.

(f) SECTION 9.—Section 9(a) of the Toxic Substances Control Act (15 U.S.C. 2608(a)) is amended by striking ''section 6'' each place it appears and inserting ''section 6(a)''.

(g) SECTION 11.—Section 11(b)(2)(E) of the Toxic Substances Control Act (15 U.S.C. 2610(b)(2)(E)) is amended by striking ''rule promulgated'' and inserting ''rule promulgated, order issued, or consent agreement entered into''.

(h) SECTION 15.—Section 15(1) of the Toxic Substances Control Act (15 U.S.C. 2614(1)) is amended by striking ''(A) any rule'' and all that follows through ''or (D)'' and inserting ''any requirement of this title or any rule promulgated, order issued, or consent agreement entered into under this title, or''.

(i) SECTION 18.—Section 18(a)(2)(A) of the Toxic Substances Control Act (15 U.S.C. 2617(a)(2)(A)) is amended—

(1) by striking ''rule promulgated'' and inserting ''rule, order, or consent agreement''; and

(2) by striking ''such rule'' each place it appears and inserting ''such rule, order, or consent agreement''.

(j) SECTION 19.—Section 19 of the Toxic Substances Control Act (15 U.S.C. 2618) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)—

(i) by striking ''(A) Not later than 60 days after the date of the promulgation of a rule'' and inserting ''Not later than 60 days after the date on which a rule is promulgated'';

(ii) by inserting ''or the date on which an order is issued under section 4,'' before ''any person'';

(iii) by striking ''such rule'' and inserting ''such rule or order''; and

(iv) by striking ''such a rule'' and inserting ''such a rule or order'';

(B) by striking paragraph (1)(B);

(C) in paragraph (2), by striking ''the rule'' and inserting ''the rule or order''; and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking ''the rule'' and inserting ''the rule or order'';

(ii) in subparagraph (B), by striking ''a rule under section 4(a)'' and inserting ''a rule or order under section 4(a)'';

(iii) in subparagraph (C), by striking ''such rule'' and inserting ''such rule or order'';

(iv) in subparagraph (D), by striking ''such rule'' and inserting ''such rule or order''; and

(v) in subparagraph (E)—

(I) by striking ''to such rule'' and inserting ''to such rule or order''; and

(II) by striking ''the date of the promulgation of such rule'' and inserting ''the date on which such rule is promulgated or such order is issued'';

(2) in subsection (b)—

(A) by striking ''review a rule'' and inserting ''review a rule, or an order under section 4,'';

(B) by striking ''such rule'' and inserting ''such rule or order'';

(C) by striking ''the rule'' and inserting ''the rule or order'';

(D) by striking ''new rule'' each place it appears and inserting ''new rule or order''; and

(E) by striking ''modified rule'' and inserting ''modified rule or order''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''a rule'' and inserting ''a rule, or an order under section 4''; and

(II) by striking ''such rule'' and inserting ''such rule or order''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''a rule'' and inserting ''a rule or order'';

(II) in clause (i)—

(aa) by inserting ''or an order under section 4,'' before ''the standard for review'';

(bb) by striking ''such rule'' and inserting ''such rule or order'';

(cc) by striking ''the rule'' and inserting ''the rule or order''; and

(dd) by striking the semicolon and inserting ''; and''; and

(III) by striking clause (ii) and redesignating clause (iii) as clause (ii); and

(B) in paragraph (2), by striking ''any rule'' and inserting ''any rule or order''.

(k) SECTION 20.—Section 20(a)(1) of the Toxic Substances Control Act (15 U.S.C. 2619(a)(1)) is amended by striking ''order issued under section 5'' and inserting ''order issued under section 4 or 5''.

(l) SECTION 21.—Section 21 of the Toxic Substances Control Act (15 U.S.C. 2620) is amended—

(1) in subsection (a), by striking ''order under section 5(e) or (6)(b)(2)'' and inserting ''order under section 4 or 5(e)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''order under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)'' and inserting ''order under section 4 or 5(e)''; and

(B) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking ''order under section 5(e) or 6(b)(2)'' and inserting ''order under section 4 or 5(e)'';

(ii) in clause (i), by striking ''order under section 5(e)'' and inserting ''order under section 4 or 5(e)''; and

(iii) in clause (ii), by striking ''or an order under section 6(b)(2)''.

(m) SECTION 24.—Section 24(b)(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2623(b)(2)(B)) is amended—

(1) by inserting ''and'' at the end of clause (i);

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii).

(n) SECTION 27.—Section 27(a) of the Toxic Substances Control Act (15 U.S.C. 2626(a)) is amended by striking ''rules promulgated'' and inserting ''rules, orders, or consent agreements''.

(o) SECTION 30.—Section 30(2) of the Toxic Substances Control Act (15 U.S.C. 2629(2)) is amended by striking ''rule'' and inserting ''rule, order, or consent agreement''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. SHIMKUS. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the TSCA Modernization Act has been a long time in coming. We actually started work on this bill in the last Congress. We held a total of eight hearings and received testimony from a broad range of stakeholders, including the administration; but most importantly, we worked with each other, Member to Member, across the aisle.

The bill before you, Mr. Speaker, reflects lessons learned over the course of the last 3 years in which we worked on TSCA reform. First, the bill is clear and understandable. Despite the highly technical nature of chemical regulation, Members can pick up this bill, read it from beginning to end, and understand what it does and how it works.

Second, the bill does not try to be all things for all people. Major sections of TSCA are not amended at all. For example, we leave the process for new chemical review in TSCA section 5 unchanged because it is working pretty well right now, and changes could make it worse.

The heart of the bill is our approach to regulating chemicals already on the market. Thousands of these chemicals have been in commerce for many years, and they pose no known risks and really don't need to be regulated at all. We leave those alone. But we do allow some existing chemicals to be scientifically evaluated for risk and, if necessary, to have that risk managed through a rule by the EPA.

Chemicals may be chosen for risk evaluation in one of two ways: either EPA may select a chemical for risk evaluation based on what EPA knows may pose an unreasonable risk, or the manufacturer may designate a chemical for EPA to evaluate for risk.

Now, why would a manufacturer invite EPA scrutiny of its product? There are several reasons. First, some interest or even a retailer may be raising concerns about a product, and the manufacturer wants to put those concerns to rest. Or one or two States may be thinking about regulating the chemical. The State-by-State approach can spell disaster for someone trying to capture economies of scale in a national market.

What better way to put these concerns to rest than to have EPA, with the scientific standards that we require, perform an objective risk evaluation? Then the EPA decision on that chemical will apply in all the States, and consumers and the public can have the confidence that the chemical is safe for its intended uses.

Another area in the legislation that required careful discussion and negotiation is preemption. Of course, we want to make sure national markets are just that and not a patchwork of restrictions varying State to State. At the same time, we did not want to deny anyone a legitimate cause of action under State tort or contract law. So that is what we said: as long as the State law does not conflict with the Federal ruling, the State action may continue.

Mr. Speaker, the bill has strict but attainable deadlines for action. If EPA initiates a risk evaluation, it must finish in 3 years. If a manufacturer initiates one and includes information EPA needs to make a decision, EPA should finish that in 2 years. Once the risk evaluation is complete, if EPA decides a rule is needed to manage the risk, EPA must propose the rule within a year.

The risk evaluation itself only asks does the chemical present an unreasonable risk of injury to health or the environment. That is a science question based on a combination of hazard and actual exposure. If there is an unreasonable risk, the agency's decision on how to manage it is based on many other factors such as cost effectiveness, whether restricting an article will actually reduce exposure, whether replacements are available, and many other concerns.

H.R. 2576 permits EPA to regulate articles in those areas where regulation of chemical substances and mixtures alone would not be effective to reduce the identified risk, but requires EPA to be careful in addressing replacement parts that serve a commercially intended function or the original product or are needed to maintain the functionality of the original product.

We think this system sets a new standard for quality regulation. Of course, we want to be protected from harm, but we do not want needless, expensive regulations. Consumers want safe choices, not no choice at all.

Mr. Speaker, we are on the brink of setting up a commonsense approach to protecting people from unsafe chemical exposure that will become the standard of the world.

□ 1515

We want our constituents to be safe, and we want markets to work. This bill delivers both.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Nearly four decades ago, Congress enacted the Toxic Substances Control Act to identify and regulate risks from dangerous chemicals. Unfortunately, the statute has never worked. Improvements to the law are long overdue, and I am happy to be here today with my Energy and Commerce colleagues on both sides of the aisle to support this landmark reform legislation.

Mr. Speaker, what brought us together is the failure of the current statute to keep the American public safe and to provide confidence in the safety of American products. Toxic chemicals can be found in the products we use every day and are steadily building up in our bodies and the environment.

Consumers are worried about chemicals like BPA and triclosan, but they don't know how to avoid them. It seems like every day there is a new study about how chemicals are negatively affecting our health, and something needs to change.

The Energy and Commerce Committee has held many hearings over the last 6 years to understand why TSCA isn't working. Some critical flaws were built into the statute, like the grandfathering of over 60,000 chemicals in 1976 without any safety review. Other flaws came to light only through litigation, like the impossible analytical burden of the statute's ''least burdensome'' clause.

Even though we have recognized these flaws, forward progress has been elusive. When Chairman SHIMKUS and Chairman UPTON approached Ranking Member TONKO and myself about working on a streamlined approach to address the essential components of reform, I was hopeful.

The result is a bipartisan bill that will remove major obstacles to EPA action and give the Agency new authority and new resources. It will offer more protection and more implementation than current law. It is a strong compromise, and I urge all of my colleagues to support it.

Mr. Speaker, H.R. 2576 will empower EPA to regulate the universe of chemicals that were grandfathered in 1976 by removing the requirement that EPA impose the ''least burdensome'' regulatory option and by establishing a

risk-based standard for risk management, instead of a cost-benefit standard. For the first time, the decision of whether a chemical needs to be regulated will be based purely on the risk it poses.

H.R. 2576 will improve EPA's access to information about potentially dangerous chemicals by allowing EPA to require testing through orders and consent agreements, not just rulemakings, and by authorizing EPA to seek data when needed for a risk evaluation without first demonstrating risk.

H.R. 2576 will provide expedited action for the worst chemicals, those that are persistent, bioaccumulative, and toxic. Under this bill, we can expect quick action to get these chemicals out of our environment and out of our bodies.

Mr. Speaker, H.R. 2576 will explicitly and directly protect vulnerable populations like children, workers, the elderly, and hotspot communities.

The bill will provide more resources for EPA to carry out this important program by removing outdated caps on user fees. It would also ensure that those fees are deposited in a dedicated trust fund for TSCA implementation.

Under the bill, all future confidential business information claims by industry would have to be substantiated, preventing abuse and ensuring greater transparency.

H.R. 2576 would ensure that States maintain their important role as partners in chemical regulation. Under the bill, preemption of State laws would be more limited than current law and other proposals. No State law would be preempted until Federal requirements are in effect.

Many State laws would be protected from preemption, including existing State laws, new State laws adopted to address air and water quality or implement other Federal laws, State tort claims, and State laws regulating uses not evaluated by EPA.

In response to concerns raised by stakeholders and Members, a few additional important clarifications have been made following committee markup, and I thank the chairman for working with us to make those changes.

There is now clear authority for EPA to set a schedule if manufacturer-requested risk evaluations exceed EPA's capacity, ensuring that such requests won't overwhelm the program. The grandfathering provision for existing State laws has also been clarified based on feedback from State attorneys general.

Mr. Speaker, strong committee report language further clarifies the limited role of costs in risks management, the preservation of State monitoring and reporting requirements, and the expansion of EPA's testing authority.

I know that tomorrow, we will get back to disagreeing on the importance of environmental protection and the essential role EPA plays in keeping America safe, but for today, we can all agree on the need for a strong and protective Federal regulatory program for chemicals.

I want to thank Chairman SHIMKUS and Chairman UPTON for their leadership and their willingness to work with Democrats and stakeholders to craft this legislation. I would also like to thank Jackie Cohen of my staff for her hard work on this legislation, as well as Dave McCarthy of the majority staff for his efforts. This is a true testament to what we can achieve when we work together.

I look forward to supporting this bill, and I hope all my colleagues will join me in supporting this landmark legislation.

I reserve the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUCSHON), my colleague.

Mr. BUCSHON. Mr. Speaker, I rise today in support of H.R. 2576, the TSCA Modernization Act of 2015, which updates the Toxic Substances Control Act, TSCA, of 1976. This legislation will benefit the Eighth District of Indiana and our Nation by improving the regulation of chemicals in commerce.

Indiana's Eighth District has a strong and diverse manufacturing sector, including plastics, fertilizer production, automobiles, and medical devices, which play pivotal roles in the local and State economy.

H.R. 2576 will improve the EPA's outdated regulatory process for these industries and manufacturers, fostering conditions for stronger interstate commerce, and ensure robust protections for public health and the environment.

I urge my colleagues to support this important legislation.

Mr. PALLONE. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. TONKO), the ranking member of the subcommittee.

Mr. TONKO. Mr. Speaker, I thank the gentleman from New Jersey and our ranking member on the Energy and Commerce Committee, Representative PALLONE, for yielding.

Mr. Speaker, 40 years ago, Congress passed the Toxic Substances Control Act, which created a Federal program to manage the risks associated with our Nation's industrial chemicals.

That law, TSCA, has never met that need. As a result, the public has lost confidence in this Federal program. The many failings of the current law have been pointed out in reports, reports issued by the Government Accountability Office and others.

Well-intentioned attempts over the years to address some of the problems administratively or through voluntary agreements amongst the Environmental Protection Agency, the chemical industry, and the environmental and public health communities have failed. The public has too little information about the safety of chemicals that they are exposed to every day in virtually every product that they use.

Even in the face of overwhelming evidence of harm to people's health, EPA is unable to regulate exposure to toxic chemicals. Congress had to step in and explicitly legislate to gain public health and environmental protections from PCBs, for instance, and asbestos.

Because of the regulatory vacuum at the Federal level, some States have legislated to secure protections for their citizens. In some cases, large retailers have initiated their own chemical policies to respond to what are consumers' concerns.

Forty years of ineffective Federal policy is enough. H.R. 2576, the TSCA Modernization Act, amends TSCA and corrects the fundamental flaws that exist in our law.

When my colleague Chairman SHIMKUS began the effort to reform TSCA in the last Congress, I knew the committee could produce a bill. I believed we could. I was not convinced, however, that we could pass a law; but H.R. 2576 is a decisive step, I believe, in that direction.

I thank Chairman SHIMKUS, Chairman UPTON, and Ranking Member PALLONE for their continued cooperation and dedicated effort on behalf of this legislation. This truly has been a productive partnership, and the result is a good bill, a bill that I am pleased to support.

H.R. 2576 is the result of much discussion, much work, and compromise by all parties involved. While no one group gets all that they might have hoped for in this legislation, every stakeholder group gets something that they need. Frankly, we all need a functional, fair, and reliable Federal program of chemical regulation.

Industry gains a fair, predictable Federal program for chemical regulation, a program that will inspire public confidence in the safety of their products. In the context of our global economy, that is an important asset for doing business both here and in other countries.

The public health and environmental communities gain a Federal program in which EPA evaluates chemicals and, based on those evaluations, will act to regulate chemicals the Agency determines present a risk to health or a risk to the environment.

Under current law, in order to regulate a chemical, EPA must demonstrate that the benefits of regulating outweigh the costs. Under H.R. 2576, EPA's evaluation and decision on whether to act will be based solely on risk factors, risk factors alone.

Considerations of cost will be addressed when the Agency selects among different regulatory options to reduce chemical exposures. That is a major gain—a major gain—for public health and a major gain for the environment.

H.R. 2576 is a good bill. It offers significant improvements over our current law. I know many Members have concerns about states' rights and State preemption provisions in TSCA. I share those concerns.

There is State preemption in current law, and there is State preemption in H.R. 2576, but State preemption only

occurs when EPA takes final—final—action on a chemical, either finding it safe or regulating its risks.

H.R. 2576 maintains a strong role for the States. With those changes in TSCA, the States will have a more active and credible partner in this effort at the Federal level.

Again, I want to thank Chairman SHIMKUS, Chairman UPTON, and Ranking Member PALLONE for their excellent work on this bill. I appreciate the constructive partnership that we formed in working together on this legislation. We worked through many difficult issues and found that common ground.

I look forward to continuing to work together as this bill moves on to the Senate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PALLONE. I yield the gentleman an additional 30 seconds.

Mr. TONKO. I thank the gentleman.

I urge my colleagues to end the ineffective chemical policy that we have had for four decades and to support H.R. 2576.

I, too, would like to thank some individuals who are very pertinent to this discussion and final product. I thank David McCarthy from the subcommittee staff on the majority side and Jerry Couri from the subcommittee staff, Jackie Cohen from our subcommittee staff on the Democratic side, and Chris Sarley of Chairman SHIMKUS' personal office staff, and Jean Fruci of my personal staff, the legislative director for my Congressional office.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, could I ask how much time is remaining?

The SPEAKER pro tempore. The gentleman from New Jersey has 9½ minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of H.R. 2576, the TSCA Modernization Act. I am a proud cosponsor of this bipartisan legislation that will update the Toxic Substances Control Act, our Nation's primary statute regulating the use and safety of commercial chemicals for the first time since it was enacted in 1976.

This legislation will directly address many of current TSCA's biggest flaws, including eliminating the ''least burdensome'' requirement and explicitly clarifying the law's safety standard excludes any consideration of costs.

This bill would require EPA to consider the risks to vulnerable subpopulations, like children, pregnant women, workers, and set restrictions if necessary to protect them.

The TSCA Modernization Act will go a long way towards ensuring that all American families—especially for families of chemical facility workers and fence line communities in our congressional district in Houston and Harris County, Texas—are protected from potentially harmful chemicals and bring needed regulatory clarity to this important sector of our Nation's economy.

I would like to thank both Chairman SHIMKUS and Ranking Member TONKO of the Subcommittee on the Environment and the Economy and Chairman UPTON and Ranking Member PALLONE of the Committee on Energy and Commerce and their staffs for the hard work and willingness to work together to make TSCA reform a reality.

I would also like to personally thank my legislative director, Sergio Espinosa, who has worked on this for three terms, I think, Mr. Speaker.

I want to ask my colleagues from both sides of the aisle to join us and vote in support of this important legislation.

□ 1530

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, we all know that our chemical regulatory system is badly broken and that it has been broken for a very long time. When it comes to chemicals, weak statutory authority and limited resources have prevented the EPA from fulfilling its mission of protecting public health and the environment. Current law is so weak that the EPA famously could not even use it to ban the use of asbestos despite overwhelming evidence that asbestos poses serious risks to human health.

Even when the EPA can successfully regulate a chemical under the Toxic Substances Control Act, which we know as TSCA—which has happened only five times—they must do so using a flawed cost-benefit analysis that prioritizes profits over health and safety. These are just a few of the many serious flaws of the current system.

While the TSCA Modernization Act does not address all of these problems, it does take several important steps forward that will help improve the health and safety of consumers and their families. It finally ensures that health, not cost, is the standard by which the safety of chemicals is evaluated; it maintains critical State chemical safety laws, such as California's landmark Proposition 65; and for the first time, it includes explicit protections for vulnerable populations, such as pregnant mothers, children, and seniors.

I want to commend Chairmen UPTON and SHIMKUS, Ranking Members PALLONE and TONKO, and the committee staffs for all of their hard work and commitment for making this a truly bipartisan bill. It is far from perfect, but it has improved at every step of the process, and I hope that continues. Should the Senate pass its TSCA reform package, I hope this cooperation continues in conference so we can produce an even stronger bill.

Mr. Speaker, for far too long, our chemical laws have prioritized profits over human health and safety. This bill would put an end to this inequity and to many other serious failings of the current system. The TSCA Modernization Act is a good compromise and is a major step forward. That is why I will be voting for it today, and I urge my colleagues to do the same.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in support of H.R. 2576, the TSCA Modernization Act.

Since the 111th Congress, a lot of us have been wrestling very seriously with how to reform the EPA's current regime for reviewing and regulating chemicals. Everyone agrees that the statute has been broken for most of the decades that it has been in effect. Devising a new program, though, that would both enable the EPA to take meaningful action on the chemicals that truly need regulation and that will protect the health of our citizens was an uphill battle in deeply partisan times; yet what we have come up with is a true compromise. We have focused on the aspects of current law that really need to be addressed, and we have developed language that will move the ball forward.

As all of the other speakers have said, our work is not done after the vote later today. The Senate, in working its own will, has come up with a reform bill that takes a distinctly different approach. We have a lot to reconcile. It is important that legislation makes it to the President's desk that will equip the EPA to protect us from toxic chemicals over the long term. Ultimately, we will be judged by how well the new law works, not only over the next few years, but over the coming decade.

I want to add my thanks, Mr. Speaker, to Congressman FRANK PALLONE, Congressman SHIMKUS, Congressman TONKO, Congressman GENE GREEN, all of our staffs, and, in particular, to my legislative director, Eleanor Bastian, who has been working on this bill ever since we really started seriously negotiating.

One last thing—and I think it is important—is that Congresswoman CAPPS mentioned that this bill will not preempt State law and that it will not preempt Proposition 65. This was an important provision, and I want to thank Congressman SHIMKUS and his staff for working on it with us because it is important that we have these kinds of protections that we need.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself the balance of my time.

In closing, I will just say thank you again to Mr. SHIMKUS, in particular, for reaching out to me and to Mr. TONKO on this legislation and for making it bipartisan.

I almost feel anticlimactic today because I know how much hard work has gone into getting this bill to the floor. I know we are going to work hard after it passes in the House to get it passed in the Senate and to have a law that goes to the President, so I urge all of my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield myself the balance of my time.

This is a good bill, and I am going to give my thanks to my colleagues, too. We want a good vote today because we want to make sure we have a strong House position as we go into negotiations with the Senate, and I think we are going to have that. I also appreciate the leadership for bringing this up on the suspension calendar, which, I think, shows a lot of support right at the outset.

As everyone else has done, I want to take a moment to thank our colleagues. This has been a multiyear, multi-Congress approach. As a former high school teacher in government history, so far, the system is working on this bill, and we are hoping for good things as we move forward with conference and get something to the President's desk. I harken back to PAUL TONKO's comment and FRANK PALLONE's comment that we could pass a bill but that, if we wanted to pass a law, we really needed to open up the process a little bit. That was very helpful to me, and I appreciate that.

I also want to thank Chairman UPTON, obviously, for his leadership and for his friendship.

DIANA DEGETTE, who just spoke, and GENE GREEN have both been with me, slaving away, over the last couple of years. We have learned a lot about each other, and we have learned a lot about the law, and it is a very difficult law to understand. We also started getting help from BOB LATTA, from Ohio, and from BILL JOHNSON, and I want to thank them for their help.

H.R. 2576 has also gained letters of support from a variety of stakeholders, which include—and sometimes this shocks people to know that we have this group of diverse interests—the American Chemistry Council, the American Alliance for Innovation, the American Cleaning Institute, the Consumer Specialty Products Association, the National Association of Chemical Distributors, the National Wildlife Federation, just to name a few.

I also want to thank two people who never promoted any particular policy but who were responsible for exceptional quality in the legislation before us—Tim Brown and Kakuti Lin, who are our House legislative counsel. They make sure that the words in the bill do what we intend them to do. That is a part of this process that really goes unrecognized, the people who are legislative counsel. They spend long hours, and we ask them to do heavy lifting on short notice, so we want to make sure that we thank them here today. In a highly technical field such as chemical risk management, that is not an easy task. I thank them for their skill, dedication, and hard work.

Finally, I would like to recognize the dedicated staffs on both sides of the aisle who helped us craft this legislation—David McCarthy, who has already been mentioned, along with Jerry Couri on the Energy and Commerce staff. Understanding our chemical regulations has helped Members navigate through the complex nature of TSCA reform from our very first informational hearing in the last Congress.

I know, over there, we have got Jackie Cohen, who in the last Congress was a real pain in the rear end to me, but, this year, we have been able to work together, which has been helpful. Jean Fruci also was a calming influence, and we appreciate her steady guidance. They have both provided quality input to my colleagues on the other side of the aisle throughout this process. I appreciate their dedication, oftentimes through nights and weekends, to help us get to where we are today.

I urge all of my colleagues on both sides of the aisle to vote ''yes'' on H.R. 2576 to send a strong signal that the time is now to update this outdated law and to keep the momentum and the bipartisan spirit moving forward until the President signs it into law.

Mr. Speaker, I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise today for the purpose of engaging Chairman SHIMKUS in colloquy. First, I would like to thank Mr. SHIMKUS for working with me during and after markup to make sure that the important role of states in chemical regulation is preserved. In the absence of a strong federal chemical regulatory program, many states have taken action to protect their citizens from toxic chemicals. Strong laws are in place in many states to address chemicals including BPA, flame retardants, and more. Through the Committee process, explicit protections have been added for state laws and state common laws, including important changes taken from the amendment that I offered at markup. My amendment was drafted in response to the letter sent by 12 State Attorneys General, which I would like to introduce now into the RECORD. Again, I appreciate you working with me to address the points they raised. It is my understanding that nothing in this bill would preempt or otherwise affect existing state laws or private rights of action, unless there is an actual conflict between a federal requirement and a state requirement. Is that correct?

Mr. SHIMKUS. Mr. Speaker, Yes it is. H.R. 2576 contains protection for existing state laws and existing citizen enforcement actions. No existing state requirements will be preempted unless they actually conflict with federal requirements.

Ms. ESHOO. Mr. Speaker, as you know, over twenty-five years ago, the people of California enacted a landmark ballot measure known as Proposition 65. Proposition 65 requires persons who expose individuals to certain chemicals that are known to cause cancer or reproductive harm to display a clear and reasonable warning. Proposition 65 enforcement actions by the state and by private parties have played a crucial role in reducing childhood exposure to harmful chemicals. This state law operates somewhat differently from other state laws related to chemicals, so I want to ask specifically about the protection for Proposition 65 in the bill. It is my understanding that nothing in this bill would preempt or otherwise impact enforcement of Proposition 65 or the ability of the State to continue to authorize citizen enforcement of Proposition 65, unless there is an actual conflict. Is that correct?

Mr. SHIMKUS. Mr. Speaker, that is correct. We do not intend to interfere with operation of Proposition 65 unless a requirement under that law actually conflicts with a federal requirement under TSCA.

Ms. ESHOO. Mr. Speaker, and just to be clear, the waiver provision in Section 18(b) of current law, which could protect additional state laws, is not changed by this bill?

Mr. SHIMKUS. Mr. Speaker, that is correct.

Mr. UPTON. Mr. Speaker, this is a long time coming. The breakthrough bipartisan bill before us today is the culmination of a multiyear, multi-Congress effort to modernize our decades-old chemical safety laws. The Toxic Substances Control Act, which was signed into law by Michigan's own President Jerry Ford, needs to be updated for the 21st century. And this thoughtful bill improves chemical safety while encouraging continued innovation and economic growth and gives the public greater confidence in the safety of American-made chemicals and the products that contain them.

There are six core elements that form the basis of the TSCA Modernization Act. First, this bill helps markets work and provides certainty. Chemicals will get reviewed and will be ruled either safe for intended uses, or in need of a risk management rule. Once a decision is made by EPA, that decision will apply in all the states. Manufacturers won't have to produce 50 different product versions for 50 different states.

Second, the bill respects the role of states and individual rights of action. Tort and contract claims are explicitly protected in the preemption section.

Third, any regulation of a chemical will be guided by common sense. Is the regulation cost effective? If use in an article were restricted, will exposure actually go down? Is there a feasible replacement? Is the transition period fair? Without good answers to these questions regulation will not move forward.

Fourth, the bill will build confidence for consumers and the general public that chemicals on the market anywhere in the U.S. are safe, and not just because EPA says so. EPA must evaluate risk against the most stringent science standards we've ever enacted for chemicals. And the science has to be transparent and hold up to objective peer review.

Fifth, the bill lets government and industry actually collaborate. Chemical manufacturers are given the choice to ask for and get a chemical evaluated. And EPA must meet strict action deadlines. If the science indicates the chemical is safe, then EPA must say so, and that determination will be the law in all 50 states.

Finally, the bill encourages innovation, largely by protecting confidential business information. New technology is not likely to appear if the secret formula can be stolen and

copied the minute a new product appears. This bill would prevent that from happening.

Each of the elements of the bill are not trade-offs, each provision works to the support the others. It would not accomplish much good for EPA to evaluate all these chemicals if the results were not going to apply in all the states. It does not make sense for the government to be writing safety regulations if the result is no real improvement in safety. And a manufacturer is not likely to cooperate with the government in chemical evaluation if to do so means giving up a trade secret.

The TSCA Modernization Act solves each of these concerns, as all these safeguards work together.

Mr. Speaker, this is a big day. The TSCA Modernization Act is good for consumers, good for trade, and good for the environment. I especially commend Mr. SHIMKUS, Mr. PALLONE, Mr. TONKO, and Mr. LATTA for their dedication and hard work in putting together a bill that can be signed into law. Let's put jobs and the economy first and vote yes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 2576, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

BOYS TOWN CENTENNIAL COMMEMORATIVE COIN ACT

Mr. HUIZENGA of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 893) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Boys Town Centennial Commemorative Coin Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Boys Town is a nonprofit organization dedicated to saving children and healing families, nationally headquartered in the village of Boys Town, Nebraska;

(2) Father Flanagan's Boys Home, known as ''Boys Town'', was founded on December 12, 1917, by Servant of God Father Edward Flanagan;

(3) Boys Town was created to serve children of all races and religions;

(4) news of the work of Father Flanagan spread worldwide with the success of the 1938 movie, ''Boys Town'';

(5) after World War II, President Truman asked Father Flanagan to take his message to the world, and Father Flanagan traveled the globe visiting war orphans and advising government leaders on how to care for displaced children;

(6) Boys Town has grown exponentially, and now provides care to children and families across the country in 11 regions, including California, Nevada, Texas, Nebraska, Iowa, Louisiana, North Florida, Central Florida, South Florida, Washington, DC, New York, and New England;

(7) the Boys Town National Hotline provides counseling to more than 150,000 callers each year;

(8) the Boys Town National Research Hospital is a national leader in the field of hearing care and research of Usher Syndrome;

(9) Boys Town programs impact the lives of more than 2,000,000 children and families across America each year; and

(10) December 12th, 2017, will mark the 100th anniversary of Boys Town, Nebraska.

SEC. 3. COIN SPECIFICATIONS.

(a) $5 GOLD COINS.—The Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall mint and issue not more than 50,000 $5 coins in commemoration of the centennial of the founding of Father Flanagan's Boys Town, each of which shall—

(1) weigh 8.359 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) $1 SILVER COINS.—The Secretary shall mint and issue not more than 350,000 $1 coins in commemoration of the centennial of the founding of Father Flanagan's Boys Town, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(c) HALF DOLLAR CLAD COINS.—The Secretary shall mint and issue not more than 300,000 half dollar clad coins in commemoration of the centennial of the founding of Father Flanagan's Boys Town, each of which shall—

(1) weigh 11.34 grams;

(2) have a diameter of 1.205 inches; and

(3) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(d) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(e) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 100 years of Boys Town, one of the largest nonprofit child care agencies in the United States.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year ''2017''; and

(3) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(c) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the National Executive Director of Boys Town and the Commission of Fine Arts; and

(2) reviewed by the Citizens of Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the period beginning on January 1, 2017, and ending on December 31, 2017.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins; and

(2) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(3) A surcharge of $5 per coin for the half dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to Boys Town to carry out Boys Town's cause of caring for and assisting children and families in underserved communities across America.

(c) AUDITS.—Boys Town shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the Federal Government; and

(2) no funds, including applicable surcharges, shall be disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HUIZENGA) and the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.