

Frank R. Lautenberg Safer Chemicals for the 21st Century Act.

I come to the floor today on Earth Day to urge all of my colleagues here to make reforming our broken chemical safety law a priority. We have a moral obligation to protect our kids from dangerous chemicals.

I have been privileged to work with Senator VITTER on this bill. I thank him and our colleagues who have worked with us. This is a true bipartisan effort. We don't always agree on some of the issues, but we have one basic goal here. Reform is overdue. It is 40 years overdue.

All of our landmark environmental laws have been reformed or amended—the Clean Water Act, the Safe Drinking Water Act, the Clean Air Act—but not the Toxic Substances Control Act. It should have been—and it was not for lack of trying.

Our esteemed former colleague, the late Senator Frank Lautenberg led the way for many years, with great determination.

He never gave up. Together we fought the good fight to pass our dream bill, but were never able to make any progress. And he realized we needed to work with all stakeholders. Everyone at the table, including industry. Because he understood, this is not about getting all that we want. This is about getting the American people the protections they need. His effort to reform TSCA was the last major legislation he introduced.

Mr. President, 2 years ago, the New York Times endorsed the Lautenberg-Vitter bill. The Times said—correctly—that previous efforts at reform had gone nowhere, and the bill “deserves to be passed because it would be a significant advance over the current law.”

That was 2 years ago. I was honored to take over as the lead Democrat on the bill. Since then, I have listened to concerns. I reached across the aisle. I brought everyone into the room, or at least tried to. With my Republican colleague, Senator VITTER, we have improved the bill.

I want to talk for a moment about what this bill actually does, and how it moves us forward. Specifically, it does the following:

First, the manufacture of a new chemical cannot begin until EPA approves it. Currently, a new chemical is on the market after 90 days, unless EPA finds unreasonable risk. Our bill gives EPA the time it needs, and keeps these chemicals out of American homes in the meantime.

Second, current TSCA has no requirement for evaluating existing chemicals. None. Our bill does and includes deadlines, even more aggressive than the EPA itself asked for.

Third, we require a stronger safety standard for all chemicals to be evaluated. No longer will EPA be required to choose the “least burdensome” regulation. Its criteria will be safety, science, and public health—never cost or convenience.

Fourth, our bill defines, for the first time, our most vulnerable populations—pregnant women, infants, the elderly, and workers—and explicitly requires that EPA ensure they are protected from chemicals in commerce or manufacturing.

Finally, we limit confidential business information protection for industry. Currently, it is limitless, unless challenged by EPA. We call for a 10-year sunset on confidential business information claims.

Reform takes time. But, it should not take decades. We can't afford to wait any longer. Our children and our communities can't afford to wait for protection from chemicals. Yes, that means compromise. The goal was not a perfect bill. The goal was, and is, real reform.

We have worked to address the issues with the original bill, and we still have work to do. It doesn't do everything I want. Senator VITTER has given a great deal as well. But this is a strong, bipartisan bill. I am confident it can pass the Senate. It will ensure EPA has the authority to keep us safe, something EPA cannot do now.

So, let's be clear. We have a choice. We can continue with a law that has failed. We can continue to leave the American people unprotected. Or we can actually make a difference. We can give the EPA the power it needs to do its job—so that chemicals are tested—so that our homes and workplaces are safe—and so that American families are protected.

I believe the choice is obvious. To those who disagree, I would ask a simple question. Are you willing to live with a failed law another 20 or 40 years? Because we all agree on one thing—TSCA is a failure.

This is the best chance we have, possibly for many years, to pass a law that will protect our kids from dangerous chemicals.

Our bill will make Americans safer. Not just Americans fortunate to live in States with protections. All Americans. No matter where they live.

For those Americans in States with existing safeguards, that won't change. Those safeguards will stay in place. Any regulations in place as of January of this year will remain. And there is a role for States to play—to help with the thousands of chemicals that EPA will not be able to evaluate.

But, let's be clear. The EPA has the largest staff on chemical safety of any country in the world. They should be able to put that staff to good use. To do otherwise is wasted opportunity and continued failure.

This has not been an easy process. But, it is a necessary one. I believe it will result in a good bill. We welcome a healthy debate. We welcome constructive amendments. At the same time, we should not lose sight of the key goal—to actually pass a bill. To reform a law that is not working. To protect our families and communities.

I believe we can do this. And Senator Lautenberg, who was a great environ-

mental champion, he believed we could as well.

Americans trust that when they go to the grocery store, or when they are in their own homes, that the products they reach for are safe. The current system fails that trust. It fails to provide confidence in our regulatory system. And it fails to provide confidence in our consumer products. We cannot let that failure continue. It hurts our economy, and it hurts the American people.

We need solutions, not roadblocks and closed doors. Senator VITTER and I will continue to work with all stakeholders. If we can make this bill better, we will. We all share that goal. But, here's the bottom line: We must work through the remaining challenges. Now is not the time for digging in our heels—and going nowhere. Mr. President, 40 years of that is enough. Now is the time for change.

There is only one essential question before us. Is this reform better than what we have? The answer is yes. Can we make it even better? I hope the answer to that question is yes as well. But, that will require a spirit of cooperation and compromise. That will require that we continue to have everyone at the table.

Critics charge that this is an alliance with the chemical industry. That is false. It is an alliance with the American people. They put their trust in the American government to protect them. That trust has not been met.

It is in everyone's interest—to identify dangerous chemicals, to protect the American public, and restore confidence in the safety of the products made by American companies.

We have a historic opportunity to create a chemical law that works and provide American families with the protections they expect and deserve. Let's work together. Let's make that happen. Let's not wait another 40 years.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

MEDICARE INDEPENDENCE AT HOME MEDICAL PRACTICE DEMONSTRATION IMPROVEMENT ACT OF 2015

Mr. CORNYN. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 971, and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 971) to amend title XVIII of the Social Security Act to provide for an increase in the limit on the length of an agreement under the Medicare independence at home medical practice demonstration program.

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

Mr. CORNYN. Mr. President, I further ask unanimous consent that the Wyden amendment, which is at the desk, be agreed to, and the bill, as amended, be read a third time.

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

The amendment (No. 1129) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 2, line 5, insert “of the Social Security Act” after “1866E(e)(1)”.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CORNYN. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. Is there any further debate?

If there is no further debate, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 971), as amended, was passed, as follows:

S. 971

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 “Medicare Independence at Home Medical Practice Demonstration Improvement Act of 2015”.

SEC. 2. INCREASE IN THE LIMIT ON THE LENGTH OF AN AGREEMENT UNDER THE MEDICARE INDEPENDENCE AT HOME MEDICAL PRACTICE DEMONSTRATION PROGRAM.

Section 1866E(e)(1) of the Social Security Act (42 U.S.C. 1395cc-5(e)(1)) is amended by striking “3-year” and inserting “5-year”.

Mr. CORNYN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

STEVE GLEASON ACT OF 2015

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 984, that the bill be read a third time, and that the Senate vote on passage of the bill with no intervening action or debate.

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

A bill (S. 984) to amend title XVIII of the Social Security Act to provide Medicare beneficiary access to eye tracking accessories for speech generating devices and to remove the rental cap for durable medical equipment under the Medicare Program with respect to speech generating devices.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CORNYN. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. Hearing no further debate, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 984) was passed, as follows:

S. 984

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 “Steve Gleason Act of 2015”.

SEC. 2. PROVIDING MEDICARE BENEFICIARY ACCESS TO EYE TRACKING ACCESSORIES FOR SPEECH GENERATING DEVICES.

(a) IN GENERAL.—Section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n)) is amended by inserting “and eye tracking and gaze interaction accessories for speech generating devices furnished to individuals with a demonstrated medical need for such accessories” after “appropriate organizations”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to devices furnished on or after January 1, 2016.

SEC. 3. REMOVING THE RENTAL CAP FOR DURABLE MEDICAL EQUIPMENT UNDER MEDICARE WITH RESPECT TO SPEECH GENERATING DEVICES.

Section 1834(a)(2)(A) of the Social Security Act (42 U.S.C. 1395m(a)(2)(A)) is amended—

(1) in clause (ii), by striking “or” at the end;

(2) in clause (iii), by adding “or” at the end; and

(3) by inserting after clause (iii) the following new clause:

“(iv) in the case of devices furnished on or after October 1, 2015, and before October 1, 2018, which serves as a speech generating device or which is an accessory that is needed for the individual to effectively utilize such a device.”.

Mr. CORNYN. Mr. President, I ask unanimous consent that the motion to reconsider be made and laid upon the table.

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

RESOLUTIONS SUBMITTED TODAY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following resolutions which were submitted earlier today: S. Res. 144, National Crime Victims’ Rights Week; S. Res. 145, Parkinson’s Awareness Month; S. Res. 146, Assistant Principals Week; and S. Res. 147, Historian Emeritus.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. CORNYN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

The resolutions were agreed to. The preambles were agreed to.

(The resolutions, with their preambles, are printed in today’s RECORD under “Submitted Resolutions.”)

DISCHARGE AND REFERRAL—S. 782

Mr. CORNYN. Mr. President, I ask unanimous consent that S. 782 be discharged from the Committee on Environment and Public Works and be referred to the Committee on Energy and Natural Resources.

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

DISCHARGE AND REFERRAL—H.R. 710

Mr. CORNYN. Finally, Mr. President, I ask unanimous consent that H.R. 710 be discharged from the Committee on Homeland Security and Governmental Affairs and be referred to the Committee on Commerce, Science, and Transportation.

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

Mr. CORNYN. I yield the floor.

JUSTICE FOR VICTIMS OF TRAFFICKING ACT OF 2015—Continued

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand there are 4 more minutes on this side. Am I correct?

The PRESIDING OFFICER. There are 2½ minutes of debate remaining on the Democratic side.

Mr. LEAHY. Mr. President, I yield back our time.

VOTE ON AMENDMENT NO. 301

The PRESIDING OFFICER. All time having been yielded back, under the previous order, the question is on agreeing to amendment No. 301, offered by the Senator from Vermont, Mr. LEAHY.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Florida (Mr. RUBIO).

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

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—43

Table with 3 columns: Name, Name, Name. Lists yeas: Baldwin, Heitkamp, Reed, Bennet, Hirono, Reid, Blumenthal, Kaine, Sanders, Booker, King, Schatz, Boxer, Klobuchar, Schumer, Brown, Leahy, Shaheen, Cantwell, Markey, Stabenow, Cardin, McCaskill, Tester, Carper, Menendez, Udall, Coons, Merkley, Warner, Durbin, Mikulski, Warren, Feinstein, Murphy, Whitehouse, Franken, Murray, Wyden, Gillibrand, Nelson, Heinrich, Peters.

NAYS—55

Table with 3 columns: Name, Name, Name. Lists nays: Alexander, Casey, Cotton, Ayotte, Cassidy, Crapo, Barrasso, Coats, Daines, Blunt, Cochran, Donnelly, Boozman, Collins, Enzi, Burr, Corker, Ernst, Capito, Cornyn, Fischer.