

(7) It is necessary to provide a permanent extension of health care benefits for the orphaned retirees who are at risk of losing their retirement health benefits at the end of April 2017.

### SEC. 3. INCLUSION OF CERTAIN RETIREES IN THE MULTIEMPLOYER HEALTH BENEFIT PLAN.

(a) IN GENERAL.—Section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)), as amended by the Further Continuing and Security Assistance Appropriations Act, 2017, is amended—

(1) by striking clauses (ii), (iii), and (iv); and

(2) by inserting after clause (i) the following:

“(ii) CALCULATION OF EXCESS.—The excess determined under clause (i) shall be calculated by taking into account only—

“(I) those beneficiaries actually enrolled in the Plan as of the date of the enactment of the HELP for Coal Miners Health Care Act of 2017 who are eligible to receive health benefits under the Plan on the first day of the calendar year for which the transfer is made, other than those beneficiaries enrolled in the Plan under the terms of a participation agreement with the current or former employer of such beneficiaries; and

“(II) those beneficiaries whose health benefits, defined as those benefits payable, following death or retirement or upon a finding of disability, directly by an employer in the bituminous coal industry under a coal wage agreement (as defined in section 9701(b)(1) of the Internal Revenue Code of 1986), would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012 or 2015.

For purposes of subclause (I), a beneficiary enrolled in the Plan as of the date of the enactment of the HELP for Coal Miners Health Care Act of 2017 shall be deemed to have been eligible to receive health benefits under the Plan on January 1, 2017.

“(iii) ELIGIBILITY OF CERTAIN RETIREES.—Individuals referred to in clause (ii)(II) shall be treated as eligible to receive health benefits under the Plan.

“(iv) REQUIREMENTS FOR TRANSFER.—The amount of the transfer otherwise determined under this subparagraph for a fiscal year shall be reduced by any amount transferred for the fiscal year to the Plan, to pay benefits required under the Plan, from a voluntary employees’ beneficiary association established as a result of a bankruptcy proceeding described in clause (ii).”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning after September 30, 2016.

(c) GAO AUDIT.—Not later than 3 years after the date of the enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall conduct a study of the Multiemployer Health Benefit Plan described in section 402(h)(2)(C)(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)(i)) and shall submit to the appropriate committees of Congress a report analyzing whether Federal funds are being spent appropriately by such Plan.

### SEC. 4. CLARIFICATION OF FINANCING OBLIGATIONS.

(a) IN GENERAL.—Subsection (a) of section 9704 of the Internal Revenue Code of 1986 is amended—

(1) by striking paragraph (3),

(2) by striking “three premiums” and inserting “two premiums”, and

(3) by striking “, plus” at the end of paragraph (2) and inserting a period.

(b) CONFORMING AMENDMENTS.—

(1) Section 9704 of the Internal Revenue Code of 1986 is amended—

(A) by striking subsection (d), and

(B) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively.

(2) Subsection (d) of section 9704 of such Code, as so redesignated, is amended—

(A) by striking “3 separate accounts for each of the premiums described in subsections (b), (c), and (d)” in paragraph (1) and inserting “2 separate accounts for each of the premiums described in subsections (b) and (c)”, and

(B) by striking “or the unassigned beneficiaries premium account” in paragraph (3)(B).

(3) Subclause (I) of section 9703(b)(2)(C)(ii) of such Code is amended by striking “9704(e)(3)(B)(i)” and inserting “9704(d)(3)(B)(i)”.

(4) Paragraph (3) of section 9705(a) of such Code is amended—

(A) by striking “the unassigned beneficiary premium under section 9704(a)(3) and” in subparagraph (B), and

(B) by striking “9704(i)(1)(B)” and inserting “9704(h)(1)(B)”.

(5) Paragraph (2) of section 9711(c) of such Code is amended—

(A) by striking “9704(j)(2)” in subparagraph (A)(i) and inserting “9704(i)(2)”,

(B) by striking “9704(j)(2)(B)” in subparagraph (B) and inserting “9704(i)(2)(B)”, and

(C) by striking “9704(j)” and inserting “9704(i)”.

(6) Paragraph (4) of section 9712(d) of such Code is amended by striking “9704(j)” and inserting “9704(i)”.

(c) ELIMINATION OF ADDITIONAL BACKSTOP PREMIUM.—

(1) IN GENERAL.—Paragraph (1) of section 9712(d) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C).

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 9712(d) of such Code is amended—

(A) by striking subparagraph (B),

(B) by striking “, and” at the end of subparagraph (A) and inserting a period, and

(C) by striking “shall provide for—” and all that follows through “annual adjustments” and inserting “shall provide for annual adjustments”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after September 30, 2016.

### SEC. 5. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should work with the administration to—

(1) repeal onerous regulations that have contributed to the downfall of the coal industry; and

(2) support economic growth in Appalachia and other coal communities by promoting growth-oriented economic development efforts.

## SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 5—AFFIRMING THE IMPORTANCE OF RELIGIOUS FREEDOM AS A FUNDAMENTAL HUMAN RIGHT THAT IS ESSENTIAL TO A FREE SOCIETY AND PROTECTED FOR ALL PEOPLE OF THE UNITED STATES UNDER THE CONSTITUTION OF THE UNITED STATES, AND RECOGNIZING THE 231ST ANNIVERSARY OF THE ENACTMENT OF THE VIRGINIA STATUTE FOR RELIGIOUS FREEDOM

Mr. DAINES (for himself, Mr. HATCH, Mr. BLUNT, Mr. LANKFORD, Mr. INHOFE,

Mr. CORNYN, Mr. BOOZMAN, Mr. WICKER, Mr. RISCH, Mr. TILLIS, Mr. SASSE, Mr. LEE, and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 5

Whereas United States democracy is rooted in the fundamental truth that all people are created equal, endowed by the Creator with certain inalienable rights, including life, liberty, and the pursuit of happiness;

Whereas the freedom of conscience was highly valued by—

(1) individuals seeking religious freedom who settled in the American colonies;

(2) the founders of the United States; and

(3) Thomas Jefferson, who wrote in his letter to the Society of the Methodist Episcopal Church at New London, Connecticut, dated February 4, 1809, that “[n]o provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprizes of the civil authority”;

Whereas the Virginia Statute for Religious Freedom was—

(1) drafted by Thomas Jefferson, who considered the Virginia Statute for Religious Freedom to be one of his greatest achievements;

(2) enacted on January 16, 1786; and

(3) the forerunner to the Free Exercise Clause of the First Amendment to the Constitution of the United States;

Whereas section 2(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a)) states that—

(1) “[t]he right to freedom of religion undergirds the very origin and existence of the United States”; and

(2) religious freedom was established by the founders of the United States “in law, as a fundamental right and as a pillar of our Nation”;

Whereas the role of religion in United States society and public life has a long and robust tradition;

Whereas individuals who have studied United States democracy from an international perspective, such as Alexis de Tocqueville, have noted that religion plays a central role in preserving the United States Government because religion provides the moral base required for democracy to succeed;

Whereas, in *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2014), the United States Supreme Court affirmed that “people of many faiths may be united in a community of tolerance and devotion”;

Whereas the principle of religious freedom “has guided our Nation forward”, as expressed by the 44th President of the United States in his Presidential proclamation on Religious Freedom Day in 2011, and freedom of religion “is a universal human right to be protected here at home and across the globe”, as expressed by that President of the United States on Religious Freedom Day in 2013;

Whereas “[f]reedom of religion is a fundamental human right that must be upheld by every nation and guaranteed by every government”, as expressed by the 42nd President of the United States in his Presidential proclamation on Religious Freedom Day in 1999;

Whereas the First Amendment to the Constitution of the United States protects—

(1) the right of individuals to express freely and act on their religious beliefs; and

(2) individuals from coercion to profess or act on a religious belief to which they do not adhere;

Whereas “our laws and institutions should not impede or hinder but rather should protect and preserve fundamental religious liberties”, as expressed by the 42nd President of

the United States in his remarks accompanying the signing of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.);

Whereas for countless people of the United States, faith is an integral part of every aspect of daily life and is not limited to their homes, houses of worship, or doctrinal creeds;

Whereas “religious faith has inspired many of our fellow citizens to help build a better Nation” in which “people of faith continue to wage a determined campaign to meet needs and fight suffering”, as expressed by the 43rd President of the United States in his Presidential proclamation on Religious Freedom Day in 2003;

Whereas “from its birth to this day, the United States has prized this legacy of religious freedom and honored this heritage by standing for religious freedom and offering refuge to those suffering religious persecution”, as noted in section 2(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a));

Whereas Thomas Jefferson wrote—

(1) in 1798 that each right encompassed in the First Amendment to the United States Constitution is dependent on the other rights described in that Amendment, “thereby guarding in the same sentence, and under the same words, the freedom of religion, of speech, and of the press: insomuch, that whatever violated either, throws down the sanctuary which covers the others”; and

(2) in 1822 that the constitutional freedom of religion is “the most inalienable and sacred of all human rights”;

Whereas religious freedom “has been integral to the preservation and development of the United States”, and “the free exercise of religion goes hand in hand with the preservation of our other rights”, as expressed by the 41st President of the United States in his Presidential proclamation on Religious Freedom Day in 1993; and

Whereas we “continue to proclaim the fundamental right of all peoples to believe and worship according to their own conscience, to affirm their beliefs openly and freely, and to practice their faith without fear or intimidation”, as expressed by the 42nd President of the United States in his Presidential proclamation on Religious Freedom Day in 1998: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) on Religious Freedom Day on January 16, 2017, honors the 231st anniversary of the enactment of the Virginia Statute for Religious Freedom; and

(2) affirms that—

(A) for individuals of any faith and individuals of no faith, religious freedom includes the right of an individual to live, work, associate, and worship in accordance with the beliefs of the individual;

(B) all people of the United States can be unified in supporting religious freedom, regardless of differing individual beliefs, because religious freedom is a fundamental human right; and

(C) “the American people will remain forever unshackled in matters of faith”, as expressed by the 44th President of the United States in his Presidential proclamation on Religious Freedom Day in 2012.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have two requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on January 17, 2017, at 2:15 p.m., in room SD-366 of the Dirksen Senate Office Building.

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on January 17, 2017, at 5 p.m., in room SD-430 of the Dirksen Senate Office Building to conduct a hearing entitled “Nomination of Betsy DeVos to serve as Secretary of Education.”

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 115-1 AND 115-2

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on January 17, 2017, by the President of the United States: Extradition Treaty with the Republic of Serbia, Treaty Document No. 115-1; Extradition Treaty with the Government of the Republic of Kosovo, Treaty Document No. 115-2. I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President’s messages be printed in the RECORD.

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

The messages of the President are as follows:

#### *To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and the Republic of Serbia (the “Treaty”), signed at Belgrade on August 15, 2016. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty would replace the Treaty between the United States of America and the Kingdom of Serbia for the Mutual Extradition of Fugitives from Justice, signed October 25, 1901 (the “1901 Treaty”), which applies to the Republic of Serbia as a successor state to the former Socialist Federal Republic of Yugoslavia. The Treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable of-

fenses with a modern “dual criminality” approach, which would enable extradition for such offenses as money laundering, cyber-related crimes, and other newer offenses not appearing on the 1901 Treaty list. The Treaty also provides that extradition shall not be refused based on the nationality of the person sought and contains a modernized “political offense” clause. Finally, the Treaty incorporates a series of procedural improvements to streamline and expedite the extradition process.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

BARACK OBAMA.

THE WHITE HOUSE, January 17, 2017.

#### *To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Kosovo (the “Treaty”), signed at Pristina on March 29, 2016. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty would replace the Treaty between the United States of America and the Kingdom of Serbia for the Mutual Extradition of Fugitives from Justice, signed October 25, 1901 (the “1901 Treaty”), which applies to the Republic of Kosovo as a successor state to the former Socialist Federal Republic of Yugoslavia. The Treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable offenses with a modern “dual criminality” approach, which would enable extradition for such offenses as money laundering, cyber-related crimes, and other newer offenses not appearing on the 1901 Treaty list. The Treaty also provides that extradition shall not be refused based on the nationality of the person sought and contains a modernized “political offense” clause. Finally, the Treaty incorporates a series of procedural improvements to streamline and expedite the extradition process.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

BARACK OBAMA.

THE WHITE HOUSE, January 17, 2017.

#### TALENT ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 39, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 39) to amend title 5, United States Code, to codify the Presidential Innovation Fellows Program, and for other purposes.