

AMENDMENT TO RULES COMMITTEE PRINT

114-39

OFFERED BY MR. JORDAN OF OHIO

Page 3, in the table of contents, strike the item relating to “Division N—Cybersecurity Act of 2015”.

At the end of division G (before the short title), insert the following:

1 STREAM PROTECTION RULE; MINING REGULATIONS

2 SEC. _____. None of the funds made available by this
3 division may be used to—

4 (1) further develop, finalize, carry out or imple-
5 ment the proposed rule entitled “Stream Protection
6 Rule” signed by the Assistant Secretary for Land
7 and Minerals Management of the Department of the
8 Interior on July 7, 2015 (80 Fed. Reg. 44436); or

9 (2) develop, carry out, or implement any guid-
10 ance, policy or directive to reinterpret or change the
11 historic interpretation of “material damage to the
12 hydrologic balance outside the permit area” in sec-
13 tion 510(b)(3) of the Surface Mining Control and
14 Reclamation Act of 1977, or 30 C.F.R. 816.57 or 30
15 C.F.R. 817.57, as promulgated on June 30, 1983,
16 by the Office of Surface Mining Reclamation and

1 Enforcement of the Department of the Interior (48
2 Fed. Reg. 30312).

Page 1445, beginning on line 8, strike section 7082.

Page 1728, beginning on line 1, strike division N.

At the end of division O, insert the following new titles:

3 **TITLE XII—AMERICAN SECURITY**
4 **AGAINST FOREIGN ENEMIES**
5 **ACT OF 2015**

6 **SEC. 1. SHORT TITLE.**

7 This title may be cited as the “American Security
8 Against Foreign Enemies Act of 2015” or as the “American
9 SAFE Act of 2015”.

10 **SEC. 2. REVIEW OF REFUGEES TO IDENTIFY SECURITY**
11 **THREATS TO THE UNITED STATES.**

12 (a) **BACKGROUND INVESTIGATION.**—In addition to
13 the screening conducted by the Secretary of Homeland Security,
14 the Director of the Federal Bureau of Investigation
15 shall take all actions necessary to ensure that each covered
16 alien receives a thorough background investigation prior
17 to admission as a refugee. A covered alien may not be admitted
18 as a refugee until the Director of the Federal Bureau of Investigation
19 certifies to the Secretary of Homeland Security and the Director of National Intelligence
20

1 that each covered alien has received a background inves-
2 tigation that is sufficient to determine whether the covered
3 alien is a threat to the security of the United States.

4 (b) CERTIFICATION BY UNANIMOUS CONCUR-
5 RENCE.—A covered alien may only be admitted to the
6 United States after the Secretary of Homeland Security,
7 with the unanimous concurrence of the Director of the
8 Federal Bureau of Investigation and the Director of Na-
9 tional Intelligence, certifies to the appropriate Congres-
10 sional Committees that the covered alien is not a threat
11 to the security of the United States.

12 (c) INSPECTOR GENERAL REVIEW OF CERTIFI-
13 CATIONS.—The Inspector General of the Department of
14 Homeland Security shall conduct a risk-based review of
15 all certifications made under subsection (b) each year and
16 shall provide an annual report detailing the findings to
17 the appropriate Congressional Committees.

18 (d) MONTHLY REPORT.—The Secretary of Homeland
19 Security shall submit to the appropriate Congressional
20 Committees a monthly report on the total number of appli-
21 cations for admission with regard to which a certification
22 under subsection (b) was made and the number of covered
23 aliens with regard to whom such a certification was not
24 made for the month preceding the date of the report. The
25 report shall include, for each covered alien with regard to

1 whom a certification was not made, the concurrence or
2 nonconcurrence of each person whose concurrence was re-
3 quired by subsection (b).

4 (e) DEFINITIONS.—In this title:

5 (1) COVERED ALIEN.—The term “covered
6 alien” means any alien applying for admission to the
7 United States as a refugee who—

8 (A) is a national or resident of Iraq or
9 Syria;

10 (B) has no nationality and whose last ha-
11 bitual residence was in Iraq or Syria; or

12 (C) has been present in Iraq or Syria at
13 any time on or after March 1, 2011.

14 (2) APPROPRIATE CONGRESSIONAL COM-
15 MITTEE.—The term “appropriate Congressional
16 Committees” means—

17 (A) the Committee on Armed Services of
18 the Senate;

19 (B) the Select Committee on Intelligence
20 of the Senate;

21 (C) the Committee on the Judiciary of the
22 Senate;

23 (D) the Committee on Homeland Security
24 and Governmental Affairs of the Senate;

1 (E) the Committee on Foreign Relations of
2 the Senate;

3 (F) the Committee on Appropriations of
4 the Senate;

5 (G) the Committee on Armed Services of
6 the House of Representatives;

7 (H) the Permanent Select Committee on
8 Intelligence of the House of Representatives;

9 (I) the Committee on the Judiciary of the
10 House of Representatives;

11 (J) the Committee on Homeland Security
12 of the House of Representatives;

13 (K) the Committee on Appropriations of
14 the House of Representatives; and

15 (L) the Committee on Foreign Affairs of
16 the House of Representatives.

17 **TITLE XIII—ABORTION NON-**
18 **DISCRIMINATION FOR**
19 **HEALTH CARE PROVIDERS**

20 **SEC. 1. ABORTION NONDISCRIMINATION FOR HEALTH**
21 **CARE PROVIDERS.**

22 (a) IN GENERAL.—Section 245 of the Public Health
23 Service Act (42 U.S.C. 238n) is amended—

24 (1) in the section heading, by striking “**AND**
25 **LICENSING OF PHYSICIANS**” and inserting “**, LI-**

1 **CENSING, AND PRACTICE OF PHYSICIANS AND**
2 **OTHER HEALTH CARE ENTITIES”;**

3 (2) in subsection (a), by amending paragraph
4 (1) to read as follows:

5 “(1) the entity refuses—

6 “(A) to undergo training in the perform-
7 ance of induced abortions;

8 “(B) to require or provide such training;

9 “(C) to perform, participate in, provide
10 coverage of, or pay for induced abortions; or

11 “(D) to provide referrals for such training
12 or such abortions;”;

13 (3) in subsection (b)(1), by striking “stand-
14 ards” and inserting “standard”;

15 (4) in subsection (c), by amending paragraphs
16 (1) and (2) to read as follows:

17 “(1) The term ‘financial assistance’, with re-
18 spect to a government program, means governmental
19 payments to cover the cost of health care services or
20 benefits, or other Federal payments, grants, or loans
21 to promote or otherwise facilitate health-related ac-
22 tivities.

23 “(2) The term ‘health care entity’ includes an
24 individual physician or other health professional, a
25 postgraduate physician training program, a partici-

1 part in a program of training in the health profes-
2 sions, a hospital, a provider-sponsored organization
3 as defined in section 1855(d) of the Social Security
4 Act, a health maintenance organization, an account-
5 able care organization, an issuer of health insurance
6 coverage, any other kind of health care facility, orga-
7 nization, or plan, and an entity that provides or au-
8 thorizes referrals for health care services.”;

9 (5) by adding at the end of subsection (c) the
10 following new paragraph:

11 “(4) The term ‘State or local government that
12 receives Federal financial assistance’ includes any
13 agency or other governmental unit of a State or
14 local government if such government receives Fed-
15 eral financial assistance.”;

16 (6) by redesignating subsection (c) as sub-
17 section (d); and

18 (7) by inserting after subsection (b) the fol-
19 lowing new subsection:

20 “(c) ADMINISTRATION.—The Secretary shall des-
21 ignate the Director of the Office for Civil Rights of the
22 Department of Health and Human Services—

23 “(1) to receive complaints alleging a violation of
24 this section or any of subsections (b) through (e) of

1 section 401 of the Health Programs Extension Act
2 of 1973; and

3 “(2) to pursue the investigation of such com-
4 plaints, in coordination with the Attorney General.”.

5 (b) REMEDIES FOR VIOLATIONS OF FEDERAL CON-
6 SCIENCE LAWS.—Title II of the Public Health Service Act
7 (42 U.S.C. 202 et seq.) is amended by inserting after sec-
8 tion 245 the following:

9 **“SEC. 245A. CIVIL ACTION FOR CERTAIN VIOLATIONS.**

10 “(a) IN GENERAL.—A qualified party may, in a civil
11 action, obtain appropriate relief with regard to a des-
12 ignated violation.

13 “(b) DEFINITIONS.—In this section—

14 “(1) the term ‘qualified party’ means—

15 “(A) the Attorney General; or

16 “(B) any person or entity adversely af-
17 fected by the designated violation; and

18 “(2) the term ‘designated violation’ means an
19 actual or threatened violation of section 245 of this
20 Act or any of subsections (b) through (e) of section
21 401 of the Health Programs Extension Act of 1973.

22 “(c) ADMINISTRATIVE REMEDIES NOT REQUIRED.—
23 An action under this section may be commenced, and relief
24 may be granted, without regard to whether the party com-

1 mencing the action has sought or exhausted available ad-
2 ministrative remedies.

3 “(d) DEFENDANTS IN ACTIONS UNDER THIS SEC-
4 TION MAY INCLUDE GOVERNMENTAL ENTITIES AS WELL
5 AS OTHERS.—

6 “(1) IN GENERAL.—An action under this sec-
7 tion may be maintained against, among others, a
8 party that is a Federal or State governmental entity.
9 Relief in an action under this section may include
10 money damages even if the defendant is such a gov-
11 ernmental entity.

12 “(2) DEFINITION.—For the purposes of this
13 subsection, the term ‘State governmental entity’
14 means a State, a local government within a State,
15 or any agency or other governmental unit or author-
16 ity of a State or of such a local government.

17 “(e) NATURE OF RELIEF.—The court shall grant—

18 “(1) all necessary equitable and legal relief, in-
19 cluding, where appropriate, declaratory relief and
20 compensatory damages, to prevent the occurrence,
21 continuance, or repetition of the designated violation
22 and to compensate for losses resulting from the des-
23 igned violation; and

1 “(2) to a prevailing plaintiff, reasonable attor-
2 neys’ fees and litigation expenses as part of the
3 costs.”.

4 **TITLE XIV—WOMEN’S PUBLIC**
5 **HEALTH AND SAFETY ACT**

6 **SEC. 1. SHORT TITLE.**

7 This title may be cited as the “Women’s Public
8 Health and Safety Act”.

9 **SEC. 2. INCREASING STATE FLEXIBILITY IN DETERMINING**
10 **PARTICIPATION OF PROVIDERS WHO PER-**
11 **FORM, OR PARTICIPATE IN THE PERFORM-**
12 **ANCE OF, ABORTIONS.**

13 Section 1902 of the Social Security Act (42 U.S.C.
14 1396a) is amended—

15 (1) in subsection (a)(23), by striking “sub-
16 section (g)” and inserting “subsection (g), sub-
17 section (ll),”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(ll) RULES WITH RESPECT TO DETERMINATION OF
21 PARTICIPATION OF PROVIDERS WHO PERFORM, OR PAR-
22 TICIPATE IN THE PERFORMANCE OF, ABORTIONS.—

23 “(1) IN GENERAL.—Beginning October 1,
24 2015, subject to paragraph (2), for purposes of this
25 title, a State, at its option, may establish criteria

1 with respect to the participation under the State
2 plan (or under a waiver of the plan) of an institu-
3 tion, agency, entity, or person who performs, or par-
4 ticipates in the performance of, abortions.

5 “(2) EXCEPTION.—Paragraph (1) shall not
6 apply to an abortion—

7 “(A) if the pregnancy is the result of an
8 act of rape or incest; or

9 “(B) in the case where a woman suffers
10 from a physical disorder, physical injury, or
11 physical illness that would, as certified by a
12 physician, place the woman in danger of death
13 unless an abortion is performed, including a
14 life-endangering physical condition caused by or
15 arising from the pregnancy itself.

16 “(3) DEFINITIONS.—For purposes of this sub-
17 section, the terms ‘institution’, ‘agency’, or ‘entity’
18 mean the entire legal institution, agency, or entity,
19 or any part thereof, including any institution, agen-
20 cy, or entity that controls, is controlled by, or is
21 under common control with such institution, agency,
22 or entity.”.

