

# BUSINESS MEETING

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MEETING  
BEFORE THE  
COMMITTEE ON  
ENVIRONMENT AND PUBLIC WORKS  
UNITED STATES SENATE  
ONE HUNDRED FOURTEENTH CONGRESS  
SECOND SESSION

May 18, 2016

Printed for the use of the Committee on Environment and Public Works



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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED FOURTEENTH CONGRESS  
SECOND SESSION

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# C O N T E N T S

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Page

**MAY 18, 2016**

## OPENING STATEMENTS

Boxer, Hon. Barbara, U.S. Senator from the State of California .....	1
Inhofe, Hon. James M., U.S. Senator from the State of Oklahoma .....	2

## LEGISLATION

Text of the manager's substitute amendment to S. 2795 offered by Senator Inhofe .....	4
Text of the amendment offered by Senator Gillibrand .....	52
Text of the amendment to S. 2754 offered by Senator Inhofe .....	62
S. 2816, a Bill to reauthorize the diesel emissions reduction program .....	65
S. 1479, a Bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to grants, and for other purposes .....	66
S. 921, a Bill to direct the Secretary of the Interior to establish a nonregulatory program to build on and help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes .....	79
S. 2754, a Bill to designate the Federal building and United States courthouse located at 300 Fannin Street in Shreveport, Louisiana, as the "Tom Stagg Federal Building and United States Courthouse". .....	93
H.R. 3114, an Act to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historical preservation activities, and for other purposes. ....	96
Approved Committee Resolutions .....	100-132
Nomination of Jane Toshiko, of Maryland, to be Assistant Administrator of the Environmental Protection Agency .....	133



## **BUSINESS MEETING**

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**THURSDAY, MAY 18, 2016**

U.S. SENATE  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
*Washington, DC.*

The committee met, pursuant to notice, at 9:39 a.m. in room 406, Dirksen Senate Office Building, Hon. James Inhofe (chairman) presiding.

Present: Senators Inhofe, Boxer, Barrasso, Capito, Crapo, Boozman, Wicker, Fischer, Rounds, Sullivan, Carper, Cardin, Whitehouse, Merkley, Gillibrand, Booker and Markey.

### **OPENING STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA**

Senator INHOFE. The meeting will come to order.

Today, the Environment and Public Works demonstrates once again that we are working to get things done. At the conclusion of my opening statement, I am going to brag a little bit on what all we have gotten done, because we are the committee that does things.

I am pleased we were able to reach a great bipartisan compromise on the Nuclear Energy Innovation and Modernization Act. After all, innovation has come to the nuclear industry. There are many new companies, nuclear startups, in fact, that are pursuing concepts that advance safety and so forth.

You know what I think I will do? I am going to submit this for the record because everybody knows what it is in it.

Anyway, we have several bills today. I want to say something about our Committee, and I say this really on behalf of Senator Boxer and myself. We have, as Majority, and I am sure when you were Majority you did the same thing, have weekly meetings of the chairmen of the committees. When it gets around to my turn I always say now we will hear from the committee that gets things done, unlike the other committees.

In this Committee, we have the 5-year surface transportation bill, first one since 1988; water research, the WRDA bill; a bill that we are going to be doing today, chemical safety; Water Resources Research Amendments; the Grassroots Rural and Small Community Water Systems Assistance Act; National Estuary Program, and that was by Whitehouse and Vitter, do we have broad extreme support on all ends on these bills; the Great Lakes Restoration Initiative; Long Island Sound Restoration; Lake Tahoe Restoration; Kennedy Center reauthorization; multiple namings after different leaders; regulatory relief bills; consideration of nearly 100 GSAs.

Anyway, it comes down to about 31 total that we have done in this Committee alone, so I want to say to my friends on the Committee, on the Democrat side and the Republican side, that you are doing great work, and better work than any of the other committees are doing.

With that, I will turn it over to Senator Boxer.

**OPENING STATEMENT OF HON. BARBARA BOXER,  
U.S. SENATOR FROM THE STATE OF CALIFORNIA**

Senator BOXER. Mr. Chairman, I agree with that. I am grateful to members on both sides. And I think that our friendship has been very important. We know what we can't do and we know what we can do. If there were bumper strips that each committee had, ours would say "EPW: The Committee That Does," because we do well. Now, I wish we could do a little bit more given, should I dare say it, climate change, but since that is not an area where we can work together, we have made up for it in other areas.

Senator INHOFE. It kind of creeps into every statement. But that is fine.

[Laughter.]

Senator BOXER. I told you I would not say climate change.

Senator INHOFE. Well, you did say it.

Senator BOXER. In any event, I do want to thank you so much for this markup today. Senator Carper's Diesel Emissions Reduction Act of 2016 will reauthorize the enormously successful DERA program.

Senator INHOFE. Which is another demonstration of working together.

Senator BOXER. His and yours.

It provides grants to reduce air pollution by retrofitting or replacing diesel equipment. This program has delivered, and I think it is important that we note this, it has delivered an estimated \$12.6 billion in health benefits and saved countless lives. That is what we can do in this Committee.

I am proud, also, to be a co-sponsor of the Brownfields Utilization, Investment and Local Development Act, called the BUILD Act. This legislation reauthorizes EPA's brownfields program, which helps revitalize communities with contaminated waste sites. It is estimated that there are more than 450,000 brownfields in the U.S.

So when we cleanup and reinvest in these properties, we increase local tax bases, we facilitate job growth, and we allow redevelopment of formerly contaminated lands. And I remember when we first did this brownfields bill, it is really a landmark bill; it adds to the other landmark bills that this Committee is known for.

We will also consider a bill introduced by Senators Carper, Booker, and Gillibrand to help restore the Delaware River Basin, and a bill to authorize a program at the Corps to hire veterans to assist with historic preservation activities. I strongly support these bills.

Today's agenda also includes a bill to encourage development and approval of advanced nuclear reactors, and to reform the NRC's fee structure. I had significant concerns with the introduced bill, which would have reduced transparency during the approval process for new nuclear reactors and limited the ability of NRC to collect the

fees necessary to carry out its oversight responsibilities. I appreciate the work by several Senators on the manager's amendment that we will consider. This amendment addresses some of the most serious concerns in the introduced bill; however, I believe there is more work to be done on this bill and I look forward to working with the bill's sponsors as this legislation moves forward.

So, with that, I look forward to today's markup.

Senator INHOFE. That is great, Senator Boxer. I think we are all looking forward to the Oklahoma City Thunder defeating Golden State tonight, so we have a lot to look forward to, don't we?

[Laughter.]

Senator BOXER. The Committee stands adjourned.

[Laughter.]

Senator BOXER. You know, the last ones who bragged about that lost games two, three, and four, so watch out.

Senator INHOFE. Oddly enough, we do have 11 here, we have a quorum. This can be a very quick meeting, and I hope that you will stay. We do need 11 for passage of either legislation or to be reported out. We need 7 to approve amendments, but we really don't have very many amendments down here.

So we are going to start with the consideration of a list of bipartisan bills. We are going to begin with S. 2795, the Nuclear Energy Innovation and Modernization Act. That is probably the one that drew the most attention here. So, to begin with, I am going to call up the manager's substitute package, which was circulated already and everyone has had access to it. This substitute will be considered the original text for the purpose of the amendment. This is a bipartisan package of amendments to S. 2795, co-sponsored by Senators Crapo, Whitehouse, Booker, Carper, and Markey, that incorporates several bipartisan modifications negotiated with these Senators on the NRC fees, modernizing NRC procedures, and the feasibility of extending the duration of the uranium recovery licenses, which is important to Senator Barrasso and several others.

[The text of the manager's substitute amendment to S. 2795 offered by Senator Inhofe follows:]

**Nuclear Energy Innovation and Modernization Act, Managers' Amendment in the Nature of a Substitute by Sens. Inhofe, Crapo, Booker, Carper, and Whitehouse, #1:**

*and mark*  
This amendment increases additional flexibility to the fee recovery provisions including a one-year waiver of the annual fee cap. It also modifies the reporting requirements to be less burdensome. Lastly, it requires the Commission to report on the feasibility of increasing the duration of uranium recovery licenses.

16 MAY 17 AM 10:55



16 MAY 17 AM 10:55

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

**S. 2795**

To modernize the regulation of nuclear energy.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. INHOFE (for himself, Mr. CRAPO,  
Mr. BOOKER, Mr. CARPER, and Mr. WHITEHOUSE)Viz: *and Mr. Markey*1 Strike all after the enacting clause and insert the fol-  
2 lowing:3 **SECTION 1. SHORT TITLE.**4 This Act may be cited as the “Nuclear Energy Inno-  
5 vation and Modernization Act”.6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the safe and secure operation of nuclear re-  
9 actors in the United States must remain the para-  
10 mount focus of the Nuclear Regulatory Commission;11 (2) the existing fleet of nuclear reactors in the  
12 United States is operating safely and securely;

1           (3) nuclear energy is the largest source of af-  
2       fordable, reliable, emissions-free energy in the  
3       United States, providing approximately 20 percent  
4       of the electricity consumed in the United States and  
5       60 percent of emissions-free electricity generation in  
6       the United States;

7           (4) a 1,000-megawatt nuclear plant—

8               (A) provides approximately 500 permanent  
9       jobs;

10            (B) pays approximately \$40,000,000 annu-  
11       ally in wages;

12            (C) generates approximately \$470,000,000  
13       annually in goods and services in the local com-  
14       munity; and

15            (D) pays approximately \$83,000,000 annu-  
16       ally in Federal, State, and local taxes;

17           (5) nuclear energy is of critical importance to  
18       United States energy security and worldwide influ-  
19       ence on nonproliferation;

20           (6) nuclear energy uses widely available fuel re-  
21       sources to enable scientific progress, emissions-free  
22       and reliable electricity generation, heat generation  
23       for industrial applications, and power for deep space  
24       exploration;

1           (7) the private sector, the National Labora-  
2           tories (as defined in section 2 of the Energy Policy  
3           Act of 2005 (42 U.S.C. 15801)), and institutions of  
4           higher education are pursuing innovations in nuclear  
5           energy technology that will play a crucial role in—

6                   (A) the future global and United States  
7                   energy supply; and

8                   (B) the exports, manufacturing, and econ-  
9                   omy of the United States;

10          (8) eventual deployment of commercial ad-  
11          vanced nuclear reactors will require—

12                   (A) modernizing the regulatory framework;  
13                   and

14                   (B) making other necessary changes to fa-  
15                   cilitate the efficient, predictable, and affordable  
16                   deployment of advanced nuclear reactor tech-  
17                   nologies;

18          (9) 2 impediments to the commercialization of  
19          advanced nuclear reactors are the high costs and  
20          long durations associated with applying the existing  
21          nuclear regulatory framework to advanced nuclear  
22          reactors;

23          (10) license application reviews should be as  
24          predictable and efficient as practicable without com-  
25          promising safety or security;

1           (11) the development of advanced nuclear reac-  
2       tors would benefit from the early identification of  
3       policy issues for timely consideration and resolution  
4       by the Commission to improve the efficient develop-  
5       ment of designs as well as preparing for design re-  
6       view and licensing;

7           (12) the existing nuclear regulatory framework  
8       and the requirements of that framework have not  
9       adapted to advances in scientific understanding or  
10      the features and performance characteristics of ad-  
11      vanced nuclear reactor designs;

12          (13) the existing nuclear reactor licensing proc-  
13      ess does not provide iterative feedback to manage  
14      risk as needed for typical technology development  
15      and investment cycles;

16          (14) a staged licensing structure that provides  
17      clear and periodic feedback to applicants on an  
18      agreed schedule will help to enable the commer-  
19      cialization of safer and innovative technologies that  
20      will benefit the economy, national security, and envi-  
21      ronment of the United States;

22          (15) a technology-inclusive Commission regu-  
23      latory framework will—

24              (A) allow greater technological innovation;  
25              and

1 (B) enable inventors, scientists, engineers,  
2 and students to pursue licensing advanced reac-  
3 tor concepts;

4 (16) further preparation by the Commission of  
5 the research and test reactor licensing process will  
6 enable the Commission to more efficiently process  
7 applications for research and test reactors when the  
8 applications are received;

9 (17) it is incumbent on the Commission—

10 (A) to budget appropriate resources to un-  
11 dertake an active role in design familiarization  
12 activities with potential applicants with ad-  
13 vanced reactor designs;

14 (B) to budget for adequate resources to  
15 conduct licensing reviews and other work re-  
16 quested by licensees and applicants; and

17 (C) to preserve those budgeted funds to  
18 ensure responsiveness to licensees and appli-  
19 cants in recognition of the dependence of the li-  
20 censees and applicants on Commission approval  
21 before the benefits of the technology of the li-  
22 censees and applicants can be realized; and

23 (18) both prospective advanced nuclear reactor  
24 applicants and the existing fleet of nuclear reactors  
25 in the United States would benefit from modernizing

1 the outdated fee recovery structure of the Commis-  
2 sion to better manage fluctuations in workload and  
3 the number of licensees in a fair and equitable man-  
4 ner.

5 **SEC. 3. PURPOSE.**

6 The purpose of this Act is to provide—

7 (1) a program to develop the expertise and reg-  
8 ulatory processes necessary to allow innovation and  
9 the commercialization of advanced nuclear reactors;  
10 and

11 (2) a revised fee recovery structure to ensure  
12 the availability of resources to meet industry needs  
13 without burdening existing licensees unfairly for in-  
14 accurate workload projections or premature existing  
15 reactor closures.

16 **SEC. 4. DEFINITIONS.**

17 In this Act:

18 (1) **ADVANCED NUCLEAR REACTOR.**—The term  
19 “advanced nuclear reactor” means a nuclear fission  
20 or fusion reactor, including a prototype plant (as de-  
21 fined in sections 50.2 and 52.1 of title 10, Code of  
22 Federal Regulations), with significant improvements  
23 compared to commercial nuclear reactors under con-  
24 struction as of the date of enactment of this Act, in-  
25 cluding improvements such as—

- 1 (A) additional inherent safety features;  
2 (B) significantly lower levelized cost of  
3 electricity;  
4 (C) lower waste yields;  
5 (D) greater fuel utilization;  
6 (E) enhanced reliability;  
7 (F) increased proliferation resistance;  
8 (G) increased thermal efficiency; or  
9 (H) ability to integrate into electric and  
10 nonelectric applications.

11 (2) AGREEMENT STATE.—The term “Agree-  
12 ment State” means any State with which the Com-  
13 mission has entered into an effective agreement  
14 under section 274 b. of the Atomic Energy Act of  
15 1954 (42 U.S.C. 2021(b)).

16 (3) APPLICANT.—The term “applicant” means  
17 an applicant for a license, certification, permit, or  
18 other form of approval from the Commission for a  
19 commercial advanced nuclear reactor or a research  
20 and test reactor.

21 (4) APPROPRIATE CONGRESSIONAL COMMIT-  
22 TEES.—The term “appropriate congressional com-  
23 mittees” means the Committee on Environment and  
24 Public Works of the Senate and the Committee on

1 Energy and Commerce of the House of Representa-  
2 tives.

3 (5) COMMISSION.—The term “Commission”  
4 means the Nuclear Regulatory Commission.

5 (6) CORPORATE SUPPORT COSTS.—The term  
6 “corporate support costs” means expenditures for  
7 acquisitions, administrative services, financial man-  
8 agement, human resource management, information  
9 management, information technology, policy support,  
10 outreach, and training, as those categories are de-  
11 scribed and calculated in Appendix A of the Con-  
12 gressional Budget Justification for Fiscal Year 2017  
13 of the Commission.

14 (7) LICENSING PROJECT PLAN.—The term “li-  
15 censing project plan” means a plan that describes—

16 (A) the interactions between an applicant  
17 and the Commission; and

18 (B) project schedules and deliverables in  
19 specific detail to support long-range resource  
20 planning undertaken by the Commission and an  
21 applicant.

22 (8) REGULATORY FRAMEWORK.—The term  
23 “regulatory framework” means the framework for  
24 reviewing requests for certifications, permits, ap-  
25 provals, and licenses for nuclear power plants.



1           (9) REQUESTED ACTIVITY OF THE COMMIS-  
2       SION.—The term “requested activity of the Commis-  
3       sion” means—

- 4           (A) the processing of applications for—  
5               (i) design certifications or approvals;  
6               (ii) licenses;  
7               (iii) permits;  
8               (iv) license amendments;  
9               (v) license renewals;  
10              (vi) certificates of compliance; and  
11              (vii) power uprates; and  
12           (B) any other activity requested by a li-  
13       censee or applicant.

14       (10) RESEARCH AND TEST REACTOR.—

15           (A) IN GENERAL.—The term “research  
16       and test reactor” means a reactor that—

- 17               (i) falls within the licensing and re-  
18               lated regulatory authority of the Commis-  
19               sion under section 202 of the Energy Reor-  
20               ganization Act of 1974 (42 U.S.C. 5842);  
21               and

- 22               (ii) is useful in the conduct of re-  
23               search and development activities as li-  
24               censed under section 104 e. of the Atomic  
25       Energy Act (42 U.S.C. 2134(c)).

1 (B) EXCLUSION.—The term “research and  
2 test reactor” does not include a commercial ad-  
3 vanced nuclear reactor.

4 (11) STANDARD DESIGN APPROVAL.—The term  
5 “standard design approval” means the approval of a  
6 final standard design or a major portion of a final  
7 design standard as described in subpart E of part  
8 52 of title 10, Code of Federal Regulations.

9 (12) STATEMENT OF LICENSING FEASI-  
10 BILITY.—The term “statement of licensing feasi-  
11 bility” means an early-stage review by the Commis-  
12 sion that—

13 (A) assesses preliminary design informa-  
14 tion for consistency with applicable regulatory  
15 requirements of the Commission;

16 (B) is performed on a set of topic areas  
17 agreed to in the licensing project plan; and

18 (C) is performed at a cost and schedule  
19 agreed to in the licensing project plan.

20 (13) TECHNOLOGY-INCLUSIVE REGULATORY  
21 FRAMEWORK.—The term “technology-inclusive regu-  
22 latory framework” means a regulatory framework  
23 developed using methods of evaluation that are flexi-  
24 ble and practicable for application to a variety of re-  
25 actor technologies, including, where appropriate, the

1 use of risk-informed and performance-based tech-  
 2 niques and other tools and methods.

3 (14) TOPICAL REPORT.—The term “topical re-  
 4 port” means a document submitted to the Commis-  
 5 sion that addresses a technical topic related to nu-  
 6 clear power plant safety or design.

7 **SEC. 5. NUCLEAR REGULATORY COMMISSION USER FEES**  
 8 **AND ANNUAL CHARGES THROUGH FISCAL**  
 9 **YEAR 2018.**

10 (a) IN GENERAL.—Section 6101(c)(2)(A) of the Om-  
 11 nibus Budget Reconciliation Act of 1990 (42 U.S.C.  
 12 2214(c)(2)(A)) is amended—

13 (1) in clause (iii), by striking “and” at the end;

14 (2) in clause (iv), by striking the period at the  
 15 end and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(v) amounts appropriated to the  
 18 Commission for the fiscal year for activi-  
 19 ties related to the development of a regu-  
 20 latory framework for advanced nuclear re-  
 21 actor technologies, including activities re-  
 22 quired under section 7 of the Nuclear En-  
 23 ergy Innovation and Modernization Act.”.

1 (b) REPEAL.—Effective October 1, 2018, section  
2 6101 of the Omnibus Budget Reconciliation Act of 1990  
3 (42 U.S.C. 2214) is repealed.

4 **SEC. 6. NUCLEAR REGULATORY COMMISSION USER FEES**  
5 **AND ANNUAL CHARGES FOR FISCAL YEAR**  
6 **2019 AND EACH FISCAL YEAR THEREAFTER.**

7 (a) ANNUAL BUDGET JUSTIFICATION.—

8 (1) IN GENERAL.—In the annual budget jus-  
9 tification submitted by the Commission to Congress,  
10 the Commission shall expressly identify anticipated  
11 expenditures necessary for completion of the re-  
12 quested activities of the Commission anticipated to  
13 occur during the applicable fiscal year.

14 (2) RESTRICTION.—Budget authority granted  
15 to the Commission for purposes of the requested ac-  
16 tivities of the Commission shall be used, to the max-  
17 imum extent practicable, solely for conducting re-  
18 quested activities of the Commission.

19 (3) LIMITATION ON CORPORATE SUPPORT  
20 COSTS.—With respect to the annual budget justifica-  
21 tion submitted to Congress, corporate support costs,  
22 to the maximum extent practicable, shall not exceed  
23 the following percentages of the total budget author-  
24 ity of the Commission requested in the annual budg-  
25 et justification:

1 (A) 30 percent for each of fiscal years  
2 2019 and 2020.

3 (B) 29 percent for each of fiscal years  
4 2021 and 2022.

5 (C) 28 percent for fiscal year 2023 and  
6 each fiscal year thereafter.

7 (b) FEES AND CHARGES.—

8 (1) ANNUAL ASSESSMENT.—

9 (A) IN GENERAL.—Each fiscal year, the  
10 Commission shall assess and collect fees and  
11 charges in accordance with paragraphs (2) and  
12 (3) in a manner that ensures that, to the max-  
13 imum extent practicable, the amount collected  
14 is equal to an amount that approximates—

15 (i) the total budget authority of the  
16 Commission for that fiscal year; less

17 (ii) the budget authority of the Com-  
18 mission for the activities described in sub-  
19 paragraph (B).

20 (B) EXCLUDED ACTIVITIES DESCRIBED.—

21 The activities referred to in subparagraph  
22 (A)(ii) are the following:

23 (i) An activity not attributable to an  
24 existing NRC licensee or class of licensee  
25 as identified by the Commission in Table

1 III of the final rule of the Commission en-  
2 titled "Revision of Fee Schedules; Fee Re-  
3 covery for Fiscal Year 2015" (80 Fed.  
4 Reg. 37432 (June 30, 2015)).

5 (ii) Amounts appropriated for a fiscal  
6 year to the Commission—

7 (I) from the Nuclear Waste Fund  
8 established under section 302(e) of  
9 the Nuclear Waste Policy Act of 1982  
10 (42 U.S.C. 10222(e));

11 (II) for implementation of section  
12 3116 of the Ronald W. Reagan Na-  
13 tional Defense Authorization Act for  
14 Fiscal Year 2005 (50 U.S.C. 2601  
15 note; Public Law 108-375);

16 (III) for the homeland security  
17 activities of the Commission (other  
18 than for the costs of fingerprinting  
19 and background checks required  
20 under section 149 of the Atomic En-  
21 ergy Act of 1954 (42 U.S.C. 2169)  
22 and the costs of conducting security  
23 inspections);

24 (IV) for the Inspector General  
25 services of the Commission provided

## 15

1 to the Defense Nuclear Facilities  
2 Safety Board;

3 (V) for research and development  
4 at universities in areas relevant to the  
5 mission of the applicable university;

6 (VI) for a nuclear science and en-  
7 gineering grant program that will sup-  
8 port multiyear projects that do not  
9 align with programmatic missions but  
10 are critical to maintaining the dis-  
11 cipline of nuclear science and engi-  
12 neering; and

13 (VII) for any other fee-relief ac-  
14 tivity described in the final rule of the  
15 Commission entitled "Revision of Fee  
16 Schedules; Fee Recovery for Fiscal  
17 Year 2015" (80 Fed. Reg. 37432  
18 (June 30, 2015)).

19 (iii) Costs for activities related to the  
20 development of regulatory infrastructure  
21 for advanced nuclear reactor technologies,  
22 including activities required under section  
23 7.

1 (C) EXCEPTION.—The exclusion described  
2 in subparagraph (B)(iii) shall cease to be effec-  
3 tive on January 1, 2030.

4 (D) REPORT.—Not later than December  
5 31, 2028, the Commission shall submit to the  
6 Committee on Appropriations and the Com-  
7 mittee on Environment and Public Works of the  
8 Senate and the Committee on Appropriations  
9 and the Committee on Energy and Commerce  
10 of the House of Representatives a report de-  
11 scribing the views of the Commission on the  
12 continued appropriateness and necessity of the  
13 funding described in subparagraph (B)(iii).

14 (2) FEES FOR SERVICE OR THING OF VALUE.—  
15 In accordance with section 9701 of title 31, United  
16 States Code, the Commission shall charge fees to  
17 any person who receives a service or thing of value  
18 from the Commission to cover the costs to the Com-  
19 mission of providing the service or thing of value.

20 (3) ANNUAL FEES.—

21 (A) IN GENERAL.—Subject to subpara-  
22 graph (B) and except as provided in subpara-  
23 graph (D), the Commission may charge to any  
24 licensee or certificate holder of the Commission  
25 an annual fee.



1 (B) CAP ON ANNUAL FEES OF CERTAIN LI-  
2 CENSEES.—

3 (i) IN GENERAL.—The annual fee  
4 under subparagraph (A) charged to an op-  
5 erating reactor licensee, to the maximum  
6 extent practicable, shall not exceed the an-  
7 nual fee amount per operating reactor li-  
8 censee established in the final rule of the  
9 Commission entitled “Revision of Fee  
10 Schedules; Fee Recovery for Fiscal Year  
11 2015” (80 Fed. Reg. 37432 (June 30,  
12 2015)), as may be adjusted annually by  
13 the Commission to reflect changes in the  
14 Consumer Price Index published by the  
15 Bureau of Labor Statistics of the Depart-  
16 ment of Labor.

17 (ii) WAIVER.—The Commission may  
18 waive, for a period of 1 year, the cap on  
19 annual fees described in clause (i) if the  
20 Commission submits to the Committee on  
21 Appropriations and the Committee on En-  
22 vironment and Public Works of the Senate  
23 and the Committee on Appropriations and  
24 the Committee on Energy and Commerce  
25 of the House of Representatives a written

1 determination that the cap on annual fees  
2 may compromise the safety and security  
3 mission of the Commission.

4 (C) AMOUNT PER LICENSEE.—

5 (i) IN GENERAL.—The Commission  
6 shall establish by rule a schedule of fees  
7 fairly and equitably allocating the aggregate  
8 amount of charges described in sub-  
9 paragraph (A) among licensees and certificate  
10 holders.

11 (ii) REQUIREMENT.—The schedule of  
12 fees under clause (i)—

13 (I) to the maximum extent practicable,  
14 shall be based on the cost of  
15 providing regulatory services; and

16 (II) may be based on the allocation  
17 of the resources of the Commission  
18 among licensees or certificate  
19 holders or classes of licensees or certificate  
20 holders.

21 (D) EXEMPTION.—

22 (i) DEFINITION OF RESEARCH REACTOR.—In this subparagraph, the term “research reactor” means a nuclear reactor  
23 that—  
24  
25

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## 19

1 (I) is licensed by the Commission  
2 under section 104 c. of the Atomic  
3 Energy Act of 1954 (42 U.S.C.  
4 2134(c)) for operation at a thermal  
5 power level of not more than 10  
6 megawatts; and

7 (II) if licensed under subclause  
8 (I) for operation at a thermal power  
9 level of more than 1 megawatt, does  
10 not contain—

11 (aa) a circulating loop  
12 through the core in which the li-  
13 censee conducts fuel experiments;  
14 (bb) a liquid fuel loading; or  
15 (cc) an experimental facility  
16 in the core in excess of 16 square  
17 inches in cross-section.

18 (ii) EXEMPTION.—Subparagraph (A)  
19 shall not apply to the holder of any license  
20 for a federally owned research reactor used  
21 primarily for educational training and aca-  
22 demic research purposes.

23 (e) PERFORMANCE AND REPORTING.—

1           (1) IN GENERAL.—The Commission shall de-  
2       velop for the requested activities of the Commis-  
3       sion—

4           (Δ) performance metrics; and

5           (B) on each request, milestone schedules.

6           (2) DELAYS IN ISSUANCE OF FINAL SAFETY  
7       EVALUATION.—The Executive Director for Oper-  
8       ations of the Commission shall inform the Commis-  
9       sion of a delay in issuance of the final safety evalua-  
10      tion for a requested activity of the Commission by  
11      the completion date required by the performance  
12      metrics or milestone schedule under paragraph (1)  
13      by not later than 30 days after the completion date.

14          (3) DELAYS IN ISSUANCE OF FINAL SAFETY  
15      EVALUATION EXCEEDING 180 DAYS.—If the final  
16      safety evaluation for the requested activity of the  
17      Commission described in paragraph (2) is not com-  
18      pleted by the date that is 180 days after the comple-  
19      tion date required by the performance metrics or  
20      milestone schedule under paragraph (1), the Com-  
21      mission shall submit to the appropriate congress-  
22      sional committees a timely report describing the  
23      delay, including a detailed explanation accounting  
24      for the delay and a plan for timely completion of the  
25      final safety evaluation.

1 (d) ACCURATE INVOICING.—With respect to invoices  
 2 for fees and charges described in subsection (b)(2), the  
 3 Commission shall—

4 (1) ensure appropriate management review and  
 5 concurrence prior to the issuance of invoices;

6 (2) develop and implement processes to audit  
 7 invoices to ensure accuracy, transparency, and fair-  
 8 ness; and

9 (3) modify regulations to ensure fair and appro-  
 10 priate processes to provide licensees and applicants  
 11 an opportunity to efficiently dispute or otherwise  
 12 seek review and correction of errors in invoices for  
 13 fees and charges.

14 (e) REPORT.—Not later than September 30, 2020,  
 15 the Commission shall submit to the Committee on Appro-  
 16 priations and the Committee on Environment and Public  
 17 Works of the Senate and the Committee on Appropria-  
 18 tions and the Committee on Energy and Commerce of the  
 19 House of Representatives a report describing the imple-  
 20 mentation of this section, including any impacts and rec-  
 21 ommendations for improvement.

22 (f) EFFECTIVE DATE.—This section takes effect on  
 23 October 1, 2018.

1 **SEC. 7. ADVANCED NUCLEAR REACTOR PROGRAM.**

2 (a) LICENSING OF COMMERCIAL ADVANCED NU-  
3 CLEAR REACTORS.—

4 (1) STAGED LICENSING.—For the purpose of  
5 predictable, efficient, and timely reviews, not later  
6 than 2 years after the date of enactment of this Act,  
7 the Commission shall develop and implement, within  
8 the existing regulatory framework, strategies for—

9 (A) establishing stages in the licensing  
10 process for commercial advanced nuclear reac-  
11 tors; and

12 (B) developing procedures and processes  
13 for—

14 (i) using a licensing project plan; and

15 (ii) optional use of a statement of li-  
16 censing feasibility.

17 (2) RISK-INFORMED LICENSING.—Not later  
18 than 2 years after the date of enactment of this Act,  
19 the Commission shall develop and implement, where  
20 appropriate, strategies for the increased use of risk-  
21 informed, performance-based licensing evaluation  
22 techniques and guidance for commercial advanced  
23 nuclear reactors within existing regulatory frame-  
24 works, including evaluation techniques and guidance  
25 for the resolution of the following:

1 (A) Applicable policy issues identified dur-  
2 ing the course of review by the Commission of  
3 a commercial advanced nuclear reactor licensing  
4 application.

5 (B) The issues described in SECY-93-092  
6 and SECY-15-077, including—

7 (i) licensing basis event selection and  
8 evaluation;

9 (ii) source terms;

10 (iii) containment performance; and

11 (iv) emergency preparedness.

12 (3) RESEARCH AND TEST REACTOR LICENS-  
13 ING.—For the purpose of predictable, efficient, and  
14 timely reviews, not later than 2 years after the date  
15 of enactment of this Act, the Commission shall de-  
16 velop and implement strategies within the existing  
17 regulatory framework for licensing research and test  
18 reactors, including the issuance of guidance.

19 (4) TECHNOLOGY-INCLUSIVE REGULATORY  
20 FRAMEWORK.—Not later than December 31, 2023,  
21 the Commission shall complete a rulemaking to es-  
22 tablish a technology-inclusive, regulatory framework  
23 for optional use by commercial advanced nuclear re-  
24 actor applicants for new reactor license applications.

1           (5) TRAINING AND EXPERTISE.—As soon as  
2       practicable after the date of enactment of this Act,  
3       the Commission shall provide for staff training or  
4       the hiring of experts, as necessary—

5           (A) to support the activities described in  
6       paragraphs (1) through (4); and

7           (B) to support preparations—

8           (i) to conduct pre-application inter-  
9       actions; and

10          (ii) to review commercial advanced nu-  
11       clear reactor license applications.

12       (6) AUTHORIZATION OF APPROPRIATIONS.—

13       There are authorized to be appropriated to the Com-  
14       mission to carry out this subsection such sums as  
15       are necessary.

16       (b) REPORT TO ESTABLISH STAGES IN THE COM-  
17       MERCIAL ADVANCED NUCLEAR REACTOR LICENSING  
18       PROCESS.—

19           (1) REPORT REQUIRED.—Not later than 180  
20       days after the date of enactment of this Act, the  
21       Commission shall submit to the appropriate congress-  
22       sional committees a report for expediting and estab-  
23       lishing stages in the licensing process for commercial  
24       advanced nuclear reactors that will allow implemen-  
25       tation of the licensing process by not later than 2



1 years after the date of enactment of this Act (re-  
 2 ferred to in this subsection as the “report”).

3 (2) COORDINATION AND STAKEHOLDER  
 4 INPUT.—In developing the report, the Commission  
 5 shall seek input from the Secretary of Energy, the  
 6 nuclear energy industry, a diverse set of technology  
 7 developers, and other public stakeholders.

8 (3) COST AND SCHEDULE ESTIMATES.—The re-  
 9 port shall include proposed cost estimates, budgets,  
 10 and timeframes for implementing strategies to estab-  
 11 lish stages in the licensing process for commercial  
 12 advanced nuclear reactor technologies.

13 (4) REQUIRED EVALUATIONS.—Consistent with  
 14 the role of the Commission in protecting public  
 15 health and safety and common defense and security,  
 16 the report shall evaluate—

17 (A)(i) the unique aspects of commercial  
 18 advanced nuclear reactor licensing, including  
 19 the use of alternative coolants or alternative  
 20 fuels, operation at or near atmospheric pres-  
 21 sure, and the use of passive safety strategies;  
 22 and

23 (ii) for the purposes of predictable, effi-  
 24 cient, and timely reviews, any associated legal,  
 25 regulatory, and policy issues the Commission

1 should address with regard to the licensing of  
2 commercial advanced nuclear reactor tech-  
3 nologies;

4 (B) options for licensing commercial ad-  
5 vanced nuclear reactors under the regulations  
6 of the Commission contained in title 10, Code  
7 of Federal Regulations (as in effect on the date  
8 of enactment of this Act), including—

9 (i) the development and use under the  
10 regulatory framework of the Commission  
11 in effect on the date of enactment of this  
12 Act of a licensing project plan that could  
13 establish—

14 (I) milestones that—

15 (aa) correspond to stages of  
16 a licensing process for the spe-  
17 cific situation of a commercial  
18 advanced nuclear reactor project;  
19 and

20 (bb) use knowledge of the  
21 ability of the Commission to re-  
22 view certain design aspects; and

23 (II) guidelines defining the roles  
24 and responsibilities between the Com-

1 mission and the applicant at the onset  
2 of the interaction—

3 (aa) to provide the founda-  
4 tion for effective communication  
5 and effective project manage-  
6 ment; and

7 (bb) to ensure efficient  
8 progress;

9 (ii) the use of topical reports, stand-  
10 ard design approval, and other appropriate  
11 mechanisms as tools to introduce stages  
12 into the commercial advanced nuclear reac-  
13 tor licensing process, including how the li-  
14 censing project plan might structure the  
15 use of those mechanisms;

16 (iii) collaboration with standards-set-  
17 ting organizations to identify specific tech-  
18 nical areas for which new or updated  
19 standards are needed and providing assist-  
20 ance if appropriate to ensure the new or  
21 updated standards are developed and final-  
22 ized in a timely fashion;

23 (iv) the incorporation of consensus-  
24 based codes and standards developed under

1 clause (iii) into the regulatory frame-  
2 work—  
3 (I) to provide predictability for  
4 the regulatory processes of the Com-  
5 mission; and  
6 (II) to ensure timely completion  
7 of specific licensing actions;  
8 (v) the development of a process for,  
9 and the use of, statements of licensing fea-  
10 sibility; and  
11 (vi) identification of any policies and  
12 guidance for staff that will be needed to  
13 implement clauses (i) and (ii);  
14 (C) options for improving the efficiency,  
15 timeliness, and cost-effectiveness of licensing re-  
16 views of commercial advanced nuclear reactors,  
17 including opportunities to minimize the delays  
18 that may result from any necessary amendment  
19 or supplement to an application;  
20 (D) options for improving the predictability  
21 of the commercial advanced nuclear reactor li-  
22 censing process, including the evaluation of op-  
23 portunities to improve the process by which ap-  
24 plication review milestones are established and  
25 met; and

1 (E) the extent to which Commission action  
2 or modification of policy is needed to implement  
3 any part of the report.

4 (c) REPORT TO INCREASE THE USE OF RISK-IN-  
5 FORMED AND PERFORMANCE-BASED EVALUATION TECH-  
6 Niques AND REGULATORY GUIDANCE.—

7 (1) REPORT REQUIRED.—Not later than 180  
8 days after the date of enactment of this Act, the  
9 Commission shall submit to the appropriate congres-  
10 sional committees a report for increasing, where ap-  
11 propriate, the use of risk-informed and performance-  
12 based evaluation techniques and regulatory guidance  
13 in licensing commercial advanced nuclear reactors  
14 within the existing regulatory framework (referred to  
15 in this subsection as the “report”).

16 (2) COORDINATION AND STAKEHOLDER  
17 INPUT.—In developing the report, the Commission  
18 shall seek input from the Secretary of Energy, the  
19 nuclear energy industry, technology developers, and  
20 other public stakeholders.

21 (3) COST AND SCHEDULE ESTIMATE.—The re-  
22 port shall include proposed cost estimates, budgets,  
23 and timeframes for implementing a strategy to in-  
24 crease the use of risk-informed and performance-

1 based evaluation techniques and regulatory guidance  
2 in licensing commercial advanced nuclear reactors.

3 (4) REQUIRED EVALUATIONS.—Consistent with  
4 the role of the Commission in protecting public  
5 health and safety and common defense and security,  
6 the report shall evaluate—

7 (A) the ability of the Commission to de-  
8 velop and implement, where appropriate, risk-  
9 informed and performance-based licensing eval-  
10 uation techniques and guidance for commercial  
11 advanced nuclear reactors within existing regu-  
12 latory frameworks not later than 2 years after  
13 the date of enactment of this Act, including  
14 policies and guidance for the resolution of—

15 (i) issues relating to—

16 (I) licensing basis event selection  
17 and evaluation;

18 (II) use of mechanistic source  
19 terms;

20 (III) containment performance;

21 and

22 (IV) emergency preparedness;

23 and

24 (ii) other policy issues previously iden-  
25 tified; and

1 (B) the extent to which Commission action  
2 is needed to implement any part of the report.

3 (d) REPORT TO PREPARE THE RESEARCH AND TEST  
4 REACTOR LICENSING PROCESS.—

5 (1) REPORT REQUIRED.—Not later than 1 year  
6 after the date of enactment of this Act, the Commis-  
7 sion shall submit to the appropriate congressional  
8 committees a report for preparing the licensing proc-  
9 ess for research and test reactors within the existing  
10 regulatory framework (referred to in this subsection  
11 as the “report”).

12 (2) COORDINATION AND STAKEHOLDER  
13 INPUT.—In developing the report, the Commission  
14 shall seek input from the Secretary of Energy, the  
15 nuclear energy industry, a diverse set of technology  
16 developers, and other public stakeholders.

17 (3) COST AND SCHEDULE ESTIMATES.—The re-  
18 port shall include proposed cost estimates, budgets,  
19 and timeframes for preparing the licensing process  
20 for research and test reactors.

21 (4) REQUIRED EVALUATIONS.—Consistent with  
22 the role of the Commission in protecting public  
23 health and safety and common defense and security,  
24 the report shall evaluate—

1 (A) the unique aspects of research and test  
 2 reactor licensing and any associated legal, regu-  
 3 latory, and policy issues the Commission should  
 4 address to prepare the licensing process for re-  
 5 search and test reactors;

6 (B) the feasibility of developing guidelines  
 7 for advanced reactor demonstrations to support  
 8 the review process for advanced reactors de-  
 9 signs, including designs that use alternative  
 10 coolants or alternative fuels, operate at or near  
 11 atmospheric pressure, and use passive safety  
 12 strategies; and

13 (C) the extent to which Commission action  
 14 or modification of policy is needed to implement  
 15 any part of the report.

16 (c) REPORT TO COMPLETE A RULEMAKING TO ES-  
 17 TABLISH A TECHNOLOGY-INCLUSIVE REGULATORY  
 18 FRAMEWORK FOR OPTIONAL USE BY COMMERCIAL AD-  
 19 VANCED NUCLEAR REACTOR TECHNOLOGIES IN NEW RE-  
 20 ACTOR LICENSE APPLICATIONS AND TO ENHANCE COM-  
 21 MISSION EXPERTISE RELATING TO ADVANCED NUCLEAR  
 22 REACTOR TECHNOLOGIES.—

23 (1) REPORT REQUIRED.—Not later than 30  
 24 months after the date of enactment of this Act, the  
 25 Commission shall submit to the appropriate congres-



1 sional committees a report (referred to in this sub-  
2 section as the “report”) for—

3 (A) completing a rulemaking to establish a  
4 technology-inclusive regulatory framework for  
5 optional use by applicants in licensing commer-  
6 cial advanced nuclear reactor technologies in  
7 new reactor license applications; and

8 (B) ensuring that the Commission has ade-  
9 quate expertise, modeling, and simulation capa-  
10 bilities, or access to those capabilities, to sup-  
11 port the evaluation of advanced reactor license  
12 applications.

13 (2) COORDINATION AND STAKEHOLDER  
14 INPUT.—In developing the report, the Commission  
15 shall seek input from the Secretary of Energy, the  
16 nuclear energy industry, a diverse set of technology  
17 developers, and other public stakeholders.

18 (3) COST AND SCHEDULE ESTIMATE.—The re-  
19 port shall include proposed cost estimates, budgets,  
20 and timeframes for developing and implementing a  
21 technology-inclusive regulatory framework for licens-  
22 ing commercial advanced nuclear reactor tech-  
23 nologies, including completion of a rulemaking.

24 (4) REQUIRED EVALUATIONS.—Consistent with  
25 the role of the Commission in protecting public

1 health and safety and common defense and security,  
2 the report shall evaluate—

3 (A) the ability of the Commission to com-  
4 plete a rulemaking to establish a technology-in-  
5 clusive regulatory framework for licensing com-  
6 mercial advanced nuclear reactor technologies  
7 by December 31, 2023;

8 (B) the extent to which additional legisla-  
9 tion, or Commission action or modification of  
10 policy, is needed to implement any part of the  
11 new regulatory framework;

12 (C) the need for additional Commission ex-  
13 pertise, modeling, and simulation capabilities,  
14 or access to those capabilities, to support the  
15 evaluation of licensing applications for commer-  
16 cial advanced nuclear reactors and research and  
17 test reactors, including applications that use al-  
18 ternative coolants or alternative fuels, operate  
19 at or near atmospheric pressure, and use pas-  
20 sive safety strategies; and

21 (D) the budgets and timeframes for ac-  
22 quiring or accessing the necessary expertise to  
23 support the evaluation of license applications  
24 for commercial advanced nuclear reactors and  
25 research and test reactors.

1 **SEC. 8. ADVANCED NUCLEAR ENERGY LICENSING COST-**  
 2 **SHARE GRANT PROGRAM.**

3 (a) **ESTABLISHMENT.**—The Secretary of Energy (re-  
 4 ferred to in this section as the “Secretary”) shall establish  
 5 a grant program to be known as the “Advanced Nuclear  
 6 Energy Cost-Share Grant Program” (referred to in this  
 7 section as the “program”), under which the Secretary  
 8 shall make cost-share grants to applicants for the purpose  
 9 of funding a portion of the Commission fees of the appli-  
 10 cant for pre-application and application review activities.

11 (b) **REQUIREMENT.**—The Secretary shall seek out  
 12 technology diversity in making grants under the program.

13 (c) **COST-SHARE AMOUNT.**—The Secretary shall de-  
 14 termine the cost-share amount for each grant.

15 (d) **USE OF FUNDS.**—Recipients of grants under the  
 16 program may use the grant funds to cover Commission  
 17 fees, including those fees associated with—

- 18 (1) developing a licensing project plan;
- 19 (2) obtaining a statement of licensing feasi-  
 20 bility;
- 21 (3) reviewing topical reports; and
- 22 (4) other pre-application and application review  
 23 activities and interactions with the Commission.

24 (e) **AUTHORIZATION OF APPROPRIATIONS.**—There  
 25 are authorized to be appropriated to the Secretary to carry  
 26 out this section such sums as are necessary.

1 **SEC. 9. URANIUM RECOVERY REPORT.**

2 Not later than 1 year after the date of enactment  
3 of this Act, the Commission shall submit to the appro-  
4 priate congressional committees a report regarding the  
5 safety and feasibility of extending the duration of uranium  
6 recovery licenses from 10 to 20 years, including any poten-  
7 tial benefits of the extension.

Senator INHOFE. Does any Senator seek recognition to talk about this? Then I will be asking for a motion.

Senator Boxer.

Senator BOXER. Yes. Thanks very much, Mr. Chairman. I support this amendment, appreciate the efforts of the bill's sponsors to address some of the concerns in the introduced bill.

This manager's package removes a harmful provision in the introduced bill that would have removed a requirement for a mandatory hearing prior to approving nuclear licenses or permits. In light of the Fukushima disaster, this is the wrong approach, and I am so pleased this provision was removed.

The manager's amendment also provides NRC with increased flexibility to adjust fees to meet its safety responsibilities. While these changes improve the introduced bill, I believe more needs to be done to ensure the bill does not place an increased burden on taxpayers and to make sure NRC has sufficient resources to meet its safety mandates.

So I support this amendment and I will probably vote no on the bill in the hopes that we can work together as it moves to the floor.

Senator INHOFE. All right.

Senator Carper. Excuse me, excuse me. Let's start on this side. Any comments on this manager's amendment?

Senator CRAPO. Mr. Chairman?

Senator INHOFE. Senator Crapo.

Senator CRAPO. Mr. Chairman, I will be very brief. As one of the original co-sponsors of this bill, I want to thank all of our members on the Committee for working in a bipartisan way to move this forward, particularly yourself as the other Republican original co-sponsors, and Senators Booker and Whitehouse, and, frankly, Senator Carper, who we worked with very closely on this as well, to try to move forward and find the right compromises to move this very critical legislation forward.

I have a statement, but if I could just put my statement in the record.

Senator INHOFE. Without objection.

Senator CRAPO. I commend all of us on the Committee for the good faith and the good work that we have done to move this legislation forward.

Senator INHOFE. Senator Carper.

Senator CARPER. Thanks, Mr. Chairman. My thanks to you and particularly Senator Crapo for your good work on this effort. I was pleased to join as a co-sponsor of the manager's amendment that we have just been discussing.

If I could, I just want to take a minute. I have a concern with the language in the bill that takes away the requirement that the industry continue to fund the budget of the NRC by at least 90 percent. When we take that requirement away, the industry is not happy with that requirement. They haven't been happy for a while, as you know. If we take that requirement away in order to fund the NRC, we are just going to have to fund it out of other appropriations. So I do that with some trepidation. I am not going to offer the amendment, not going to call for a vote, but I think it is something that we need to think about: is this really what we want to do?

Senator INHOFE. I appreciate your discussing your amendment and appreciate more that you are withdrawing it.

Senator CARPER. Which do you appreciate the most?

[Laughter.]

Senator INHOFE. All right, anyone else on this side want to comment about this?

Senator BOXER. Can I speak on Senator Carper's point?

Senator INHOFE. Well, let's see if anyone else on your side wants to be heard.

Senator WHITEHOUSE.

Senator WHITEHOUSE. Thank you, Chairman. I just wanted to thank you and Senator Crapo and Senator Booker for the original work that moved us along. We had a very good hearing on the original bill. There was some concern expressed by the Union of Concerned Scientists about safety and transparency, and I just want to report that they have said that, "We do not believe the revised bill," the manager's amendment, "will have any major detrimental impact on public safety and transparency. The bill authors have done well to balance their desire to reform the licensing process without subjugating the Nuclear Regulatory Commission to congressionally oppose mandates, allowing the NRC to retain the flexibility it needs to independently regulate in the public interest."

Reaching that point has been important for us and I appreciate the flexibility that everybody has seen to get here. I think we remain open to bipartisan amendments that will allow this process to go forward. This isn't the end of the process; it is an important stage in it. We look forward to working with all of our colleagues. But I do think this is a really important step forward, and that there are new technologies, including technologies that will allow us to turn what is now hugely costly and dangerous nuclear waste into potentially valuable nuclear fuel; and pursuing that is, I think, an important goal for our Country, and I thank again the Chairman and the Ranking Member for their leadership in this process.

Senator INHOFE. Thank you.

Senator Gillibrand.

Senator GILLIBRAND. I just want to thank Senator Booker and the other sponsors for taking one of my concerns into account by adding a comment period so that communities could have a chance to be heard on the placement of plants. It is very important to New York State specifically.

There is another comment I have that we didn't have time to include, but I would like to have us consider it on the floor, which is to require new plants to have a robust evacuation plan; and not just one they do themselves, but one that can be certified by FEMA, or both.

I say this because we have a nuclear facility that has 17 million people within 50 miles. So if Indian Point had any disaster of any kind, there is no possible way to evacuate 17 million people today. And I have been asking NRC to focus on a better plan to actually work on how many lives could we save in the instance of a disaster, and they have not given it to me. So I really think it is important.

In rural areas, super easy. We have nuclear plants in areas in upState New York where you can evacuate everyone very quickly because it is a rural area with wide-ranging roads and very robust

systems to get people away from a disaster. But what we saw after Superstorm Sandy is a warning. What happened after Superstorm Sandy was the water levels rose within two feet of overcoming the nuclear plant. So if it had risen any further, it could have diluted the plant. And there was no way to evacuate because, because of the storm, power lines were knocked down and made most road systems inoperable.

So even the 10 mile evacuation zone could not have been evacuated if there was a disaster due to Hurricane Sandy. And it is just a forewarning that when storms happen, all systems break down, and the road system was wiped out.

So I urge this Committee and members on the floor to add an amendment to have a robust review when you are creating the plant, setting up the plant, what is your evacuation plan in the instance of a disaster.

Senator INHOFE. First, Senator Booker.

Senator BOOKER. I want to just echo some of the thanks, especially Senator Crapo. I want to thank Senator Inhofe and Senator Whitehouse, as well, for a lot of the original work on this, as well as the team effort from a lot of folks who helped continually to improve this bill.

This is what we really should be doing, not just working together, but working together to innovate. Next generation nuclear is not the nightmarish realities that we see in a lot of the challenges around the globe and here at home, and some of the difficulties that Senator Gillibrand is rightfully pointing out. If we are going to have and embrace a carbon-free future, or to decarbonize, nuclear is going to have to be a part of it if we are looking to do that very quickly.

So I am very excited that we are showing pro-innovation efforts right here and right now, and I just, again, want to thank. This has been a great experience for me, to work in such bipartisan fashion to develop such a strong bill, so thank you very much.

Senator INHOFE. Good. Thank you.

Senator Boxer.

Senator BOXER. Thanks.

I am disappointed that we didn't get to vote on Senator Gillibrand's evacuation amendment, and also Senator Carper's amendment. I just want to take a minute. The work on this bill was terrific. This bill has more work to be done. I stood at San Onofre Nuclear Power Plant that has been shut down, but it is not decommissioned yet. There is more than 5 million people within a few miles of this facility. I said to the sheriff, what happens in case of emergency, and she said just look at the road. And, of course, it is bumper-to-bumper because it is Southern California. Forget it. Forget it. And this bill doesn't address that.

This bill doesn't address funding, Senator Carper is absolutely right. You take away the funding. And we know, from working on the chemical bill, how important it is. If we expect the NRC to its job, we expect them to be able to have the funding. This is a step back. While we take a beautiful step forward in terms of the future, because I agree we are looking for a carbon-free future, and I have always said if nuclear is safe, it is definitely part of the answer. But if you don't have anything in there about evacuations,

if you take away the source of funding, where are they going to get the funding? We are just struggling over funding constantly.

So that is why I do look forward to this bill coming to the floor. I do intend to be heard. I do intend to work with my colleagues to make this bill better. And if we can make it better, frankly, just in these two areas, I think it will fly through.

I am hopeful that we can work more on this and I do so appreciate the bipartisan work that went into it. From where it started to where it is now is night and day, and I just want to make it that much better when we deal with the fees and we deal with the evacuations, because it is very frightening.

Also, last, I know Senator Gillibrand has a critical amendment, critical amendment dealing with safety at the plants, and I hope it passes, because if it passes it will give this bill many more legs. Thank you.

Senator INHOFE. All right, others who want to be heard?

Senator CARPER. Mr. Chairman, just one last point, if I could. I am going to make a unanimous consent request.

The reason why I didn't ask for a vote on the amendment regarding the funding is because there are changes that I sought in the bill and we were able to work out. So in the spirit of compromise we didn't push for the recorded vote on the 90 percent amendment.

However, the congressional Research Service has provided us with an analysis of the language, and I would like to submit that document. This is with respect to funding. I would like to submit their documents for the record on this bill, please.

Senator INHOFE. Without objection.

[The referenced information follows:]





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**MEMORANDUM**

May 10, 2016

**To:** Senator Sheldon Whitehouse  
Attention: Aaron Goldner

**From:** Todd Garvey, Legislative Attorney, 7-0174

**Subject:** Interpretation of § 6(a)(3) of S. 2795, the Nuclear Energy Innovation and Modernization Act

This memorandum is provided in response to your request for an analysis of proposed language included within S. 2795, the Nuclear Energy Innovation and Modernization Act.<sup>1</sup> Specifically, you asked whether language in the bill providing that corporate support costs in the Nuclear Regulatory Commission's (NRC) annual budget justification shall not, "to the maximum extent practicable," exceed certain statutory caps, would act as an unconditional prohibition on a submission to Congress exceeding those caps.<sup>2</sup> Traditional tools of statutory interpretation would appear to suggest that the provision in question should not be interpreted as strictly mandatory and, thus, would not categorically prohibit the NRC from submitting a budget justification to Congress that includes corporate support costs that exceed the proposed caps.

Section 6(a) of S. 2795 addresses the content of the NRC's annual budget justification. The bill provides that:

With respect to the annual budget justification submitted to Congress, corporate support costs, to the maximum extent practicable, shall not exceed the following percentages of the total budget authority of the Commission requested in the annual budget justification:

(A) 30 percent for each of fiscal years 2019 and 2020.

(B) 29 percent for each of fiscal years 2021 and 2022.

(C) 28 percent for fiscal year 2023 and each fiscal year thereafter.<sup>3</sup>

Although the use of the term "shall" would appear to direct the NRC to comply with the established statutory caps on corporate support costs, that directive is explicitly modified by the phrase "to the maximum extent practicable."<sup>4</sup> When interpreting statutory text, words or phrases that are not defined are

<sup>1</sup> S. 2795, 114<sup>th</sup> Cong. (2016).

<sup>2</sup> *Id.* at § 6(a)(3).

<sup>3</sup> *Id.* S. 2795 would define corporate support costs as "expenditures for acquisitions, administrative services, financial management, human resource management, information management, information technology, policy support, outreach, and training, as those categories are described and calculated in Appendix A of the Congressional Budget Justification for Fiscal Year 2017 of the Commission." *Id.* at § 4(6).

<sup>4</sup> *Id.* at § 6(a)(3).

customarily given their ordinary meanings.<sup>5</sup> In its ordinary usage, “to the maximum extent practicable” generally connotes an intention to provide the subject with a degree of flexibility and discretion in meeting an established goal or complying with a stated restriction.<sup>6</sup> The phrase would also appear to generally represent a recognition that strict compliance with the requirement may not be feasible.<sup>7</sup> As such, a directive that may otherwise be viewed as compulsory is likely transformed into something less so when modified by the phrase “to the maximum extent practicable.”<sup>8</sup> A plain reading of § 6(a) would therefore support a conclusion that the NRC would not be categorically prohibited from submitting a budget justification that includes corporate support costs in excess of the stated caps. Rather, the provision would appear to provide the NRC with some degree of flexibility in determining whether it is “practicable” to comply with the statutory limitation.<sup>9</sup>

Judicial precedent interpreting similar language appears to support this interpretation of § 6(a).<sup>10</sup> In *Biodiversity Legal Foundation v. Babbitt*, the U.S. Court of Appeals for the Tenth Circuit held that a provision of the Endangered Species Act (ESA) providing that “to the maximum extent practicable” the Fish and Wildlife Service (FWS) “shall” reach a finding on a petition to add a species to the endangered or threatened species list within 90 days, did not *require* the agency to act within the established time frame.<sup>11</sup> The court specifically “reject[ed] any suggestion that [the ESA] imposes a mandatory, nondiscretionary duty on the [FWS] to act on new petitions to list within 90 days.”<sup>12</sup> In interpreting the phrase “maximum extent practicable,” the court did hold, however, that the agency was required to “fulfill the statutory command to the extent that it is feasible or possible.”<sup>13</sup> The reasoning employed in *Babbitt*, if applied to § 6(a) of S. 2795, would appear to suggest that the proposed bill would not impose a “mandatory, nondiscretionary duty” on the NRC, but would rather require the NRC to comply with the established caps on requested funds for corporate support costs only to the extent that doing so would be “feasible or possible.”<sup>14</sup>

<sup>5</sup> *FDIC v. Meyer*, 510 U.S. 471, 476 (1994) (“In the absence of [a statutory] definition, we construe a statutory term in accordance with its ordinary or natural meaning.”).

<sup>6</sup> See *Biodiversity Legal Found. v. Babbitt*, 146 F.3d 1249, 1253 (10<sup>th</sup> Cir. 1998) (noting that “to the maximum extent practicable” does not impose a “nondiscretionary duty”).

<sup>7</sup> BLACK’S LAW DICTIONARY 1191 (7<sup>th</sup> ed. 1999) (defining practicable as “reasonably capable of being accomplished; feasible”).

<sup>8</sup> *Babbitt*, 146 F.3d at 1253 (noting that including “maximum extent practicable” in a provision can provide “an exception to what would otherwise be a mandatory requirement”).

<sup>9</sup> S. 2795 does not clarify what degree of flexibility the NRC may have in determining whether meeting the proposed caps is “practicable,” nor does the bill address what type of concerns would be adequate to justify a finding of impracticability.

<sup>10</sup> *Babbitt*, 146 F.3d 1249; *P.A.M. News Corp. v. Butz*, 514 F.2d 272, 278 (D.C. Cir. 1975) (holding that a statutory provision was “not a mandatory requirement, but merely urges consultation with state agencies ‘to the maximum extent practicable’”); *Friends of Animals v. Ashe*, 51 F. Supp. 3d 77, 80 (D.D.C. 2014) (“Unlike the 90-day deadline, which is binding on FWS only ‘[t]o the maximum extent practicable,’ the 12-month deadline is mandatory and inflexible.”) (internal citations omitted); *Air Transport Ass’n of Am. v. Fed. Energy Office*, 382 F. Supp. 437, 448 (D.D.C. 1974) (holding a goal that was directed to be achieved “to the maximum extent practicable” to be “not mandatory”). CRS was unable to identify a federal judicial decision in which a court interpreted a provision containing the phrase “to the maximum extent practicable” in a manner that did not provide the agency with some degree of flexibility.

<sup>11</sup> *Babbitt*, 146 F.3d at 1253-56.

<sup>12</sup> *Id.* at 1253.

<sup>13</sup> *Id.* at 1254 (citing *Fund for Animals v. Babbitt*, 903 F. Supp. 96, 107 (D.D.C. 1995)).

<sup>14</sup> *Id.* It is possible that the interpretative doctrine of constitutional avoidance might be cited in support of an interpretation of § 6(a) that would permit the NRC to exceed the established caps on corporate support costs in certain circumstances. Under this doctrine, “where an otherwise acceptable construction of a statute would raise serious constitutional problems, the Court will construe the statute to avoid such problems unless such construction is plainly contrary to the intent of Congress.” *DeBartolo Corp. v. Fla. Gulf Coast Trades Council*, 485 U.S. 568, 575 (1988) (quoting *Hooper v. California*, 155 U.S. 648, 657 (1895)); see also CRS Report R43706, *The Doctrine of Constitutional Avoidance: A Legal Overview*, by Andrew Nolan. If § 6(a) were viewed as strictly binding, the provision would set express limitations on what level of funding the NRC would be permitted to (continued...)

Finally, even if, in contrast to the above analysis, § 6(a) were viewed as strictly mandatory, the provision would not appear to be binding in its practical application. S. 2795 would establish no explicit penalty in the event that the NRC submits a request that exceeds the established caps on corporate support, nor would the bill establish any means of enforcing a violation of the provision.<sup>15</sup> Indeed, it is left to Congress, through the appropriations process, to accept, modify, or reject the NRC budget request.<sup>16</sup> If, for example, the NRC were to submit a budget justification with corporate support costs that exceeded the limits proposed in § 6(a), nothing in S. 2795 would prevent Congress from choosing to appropriate funds to the NRC at that level. The ultimate decision of the amount to be appropriated to the NRC, and the percentage of the total budget authority that may be made up by corporate support costs would be retained by Congress.

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(...continued)

request from Congress in its annual budget justification. The executive branch has generally taken the position that, under the Constitution's Recommendation Clause, U.S. CONST. art. II, § 3, Congress cannot compel the President, or other executive branch officials, to submit legislative requests that the President does not find to be "necessary or expedient." Common Legislative Encroachments of Executive Branch Constitutional Authority, 13 Op. O.L.C. 248, 256 (1989). *But see* *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 632 (1952) (Douglas, J., concurring) ("The power to recommend legislation, granted to the President, serves only to emphasize that it is his function to recommend and that it is the function of the Congress to legislate.") The application of the Recommendations Clause to an NRC budget justification is unclear for a number of reasons, including but not limited to, the issue of whether the constitutional provision would apply to a submission by an independent regulatory commission such as the NRC. For a discussion of the executive branch position on the Recommendations Clause see CRS Report RS22796, *Medicare Trigger*, by Patricia A. Davis, Todd Garvey, and Christopher M. Davis at 4-6.

<sup>15</sup> A member of the public who could show an adequate injury that occurred as a result of the NRC's failure to comply with the corporate support cost caps proposed under S. 2795 could conceivably bring a claim under the Administrative Procedure Act. 5 U.S.C. § 702. However, a reviewing court may grant deference to the NRC's determination of whether complying with the caps was practicable. See *Babbitt*, 146 F.3d at 1255.

<sup>16</sup> Congress is in no way bound by an agency budget request. See U.S. CONST. art. I, § 9, cl. 7 (providing that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law..."); 31 U.S.C. §§ 1341, 1301(d) (ensuring adherence to congressional appropriations).

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**MEMORANDUM**

May 10, 2016

**To:** Senator Sheldon Whitehouse  
Attention: Aaron Goldner

**From:** Edward C. Liu, Legislative Attorney, x7-9166

**Subject:** **Analysis of Limitation on Budget Authority in Nuclear Energy Innovation and Modernization Act, S. 2795**

This memorandum responds to your request for an analysis of a provision in S. 2795, the Nuclear Energy Innovation and Modernization Act, which places restrictions on budget authority granted to the Nuclear Regulatory Commission (NRC). Specifically, Section 6(a)(2) of the bill states:

Budget authority granted to the [Nuclear Regulatory] Commission for purposes of the requested activities of the Commission shall be used solely for conducting requested activities of the Commission.

By its terms, Section 6(a)(2) of S. 2795 applies to budget authority enacted “for purposes of the requested activities” of the NRC. The term “requested activities” is defined in Section 4(9) of S. 2795 as:

- (A) the processing of applications for—
  - (i) design certifications or approvals;
  - (ii) licenses;
  - (iii) permits;
  - (iv) license amendments;
  - (v) license renewals;
  - (vi) certificates of compliance; and
  - (vii) power uprates; and
- (B) any other activity requested by a licensee or applicant.

Because Section 6(a)(2) does not apply to all budget authority received by the NRC, it is necessary to first determine whether a particular appropriation is the kind of budget authority to which Section 6(a)(2) would apply before evaluating any impact of that provision.

The NRC generally receives budget authority through annual appropriations enacted by Congress.<sup>1</sup> As a result, the effect of this provision may depend upon the specific language with which such appropriations

<sup>1</sup> See NRC, *Contingency Plan for Periods of Lapsed Appropriations*, NRC Management Directive 4.5 at 13 (Sept. 21, 2015), <http://www.nrc.gov/docs/ML1523/ML15236A364.pdf> (“Since its inception, NRC’s annual Salaries and Expenses appropriation has provided ‘no-year’ funds.”).

are enacted. For example, the Consolidated Appropriations Act, 2016 provided the following appropriation to NRC:

#### SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, \$990,000,000, including official representation expenses not to exceed \$25,000, to remain available until expended ... Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at \$872,864,000 in fiscal year 2016 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2016 so as to result in a final fiscal year 2016 appropriation estimated at not more than \$117,136,000 ...<sup>2</sup>

Because this appropriation does not use the term “requested activities,” as that term is defined in S. 2795, it is unclear whether this appropriation, or one like it, would trigger the restrictions in Section 6(a)(2) of that bill.<sup>3</sup> On one hand, this Salaries and Expenses appropriation would appear to cover many, if not all, of the expenses associated with “requested activities.” However, it is possible that this appropriation might also cover NRC activities which were unrelated to processing of applications or were otherwise not requested by a licensee or applicant. To the extent that is true, then it could be argued that this appropriation is not the type of budget authority covered by Section 6(a)(2), because it is not provided solely for the purposes of requested activities. In response to such an argument, it might be asserted that only that portion of the overall appropriation which is allocated to “requested activities” should be subject to Section 6(a)(2). However, that then requires determining the size of that portion, about which the text of the appropriation is silent. Such allocations may be determined by looking at material extraneous to the legislation, such as legislative history (including committee and conference reports) or budget submissions from the President or the agency.<sup>4</sup> However, such materials do not generally carry the force of law,<sup>5</sup> except where explicitly incorporated by reference into the statutory text.<sup>6</sup>

In contrast, if Congress were to appropriate funds to the NRC, with an amount or category of funds specifically provided for “requested activities,” budget authority provided for the purpose of these enumerated activities may only be used for conducting those same activities. In that case, it appears that this provision would be a restatement or affirmation of the general rule codified in 31 U.S.C. § 1301(a), which provides that “[a]ppropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”

<sup>2</sup> H.R. 2029, 114th Cong., at 179-80 (enacted as P.L. 114-113, div. D, tit. IV).

<sup>3</sup> The lack of a reference to “requested activities” in past spending legislation may be explained by the fact that it is a term which would originate in S. 2795.

<sup>4</sup> E.g., OFFICE OF MANAGEMENT AND BUDGET, *Appendix, Budget of the United States Government, Fiscal Year 2017*, at 1323-4 (Feb. 9, 2016), <https://www.whitehouse.gov/omb/budget/Appendix>;

<sup>5</sup> *Lincoln v. Vigil*, 508 U.S. 182, 192-193 (1993) (citing *LTV Aerospace Corp.*, 55 Comp. Gen. 307, 319 (1975)). See also *American Hospital Assn. v. NLRB*, 499 U.S. 606, 616 (1991) (statements in committee reports do not have the force of law) and *TVA v. Hill*, 437 U.S. 153, 191 (1978) (“Expressions of committees dealing with requests for appropriations cannot be equated with statutes enacted by Congress”). Though such language may not be legally binding, committee reports are far from inconsequential, as executive agencies “ignore such expressions of intent at the peril of strained relations with the Congress.” *LTV Aerospace*, 55 Comp. Gen. at 325.

<sup>6</sup> See, GOVERNMENT ACCOUNTABILITY OFFICE, *Consolidated Appropriations Act, 2008—Incorporation by Reference*, B-316010 at 5-7 (Feb. 25, 2008) (citing cases in which incorporation of non-legislative material by reference has been approved).

Senator INHOFE. Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman, very much.

Mr. Chairman, at least month's hearing I raised two concerns about the Nuclear Energy Innovation and Modernization Act. Specifically, I was concerned that the bill's repeal of the mandatory hearing for new construction and operating licenses would undermine the public's access to important safety information. I also stated my concern about the bill's cap on the NRC's collection of fees, which I felt could undermine the Commission's safety and security mission by reducing its access to needed resources.

Over the last few weeks the co-sponsors of the bill worked closely with me to address both of these issues. The manager's amendment to this bill removes the repeal of the mandatory hearing and it strengthens the NRC's authority to waive the cap on fees if that cap may undermine safety or security. Together, the changes that were included to improve on the safety issues raised by the Union of Concerned Scientists resulted in proposed changes that have considerably improved this legislation.

I want to thank Senators Inhofe and Crapo, Senators Booker, Whitehouse, Murkowski and Fischer for their willingness to work in a bipartisan manner to address those concerns. The bill's authors balanced their desire to enable nuclear innovation by reforming the NRC's licensing process with the public interest in nuclear safety.

Thank you, Mr. Chairman.

Senator INHOFE. Thank you, Senator Markey. Before you came in, you were acknowledged and praised for all of your bipartisan help on this bill.

Does anyone seek recognition for the purpose of an amendment to the manager's amendment?

Senator Gillibrand.

Senator GILLIBRAND. Thank you, Mr. Chairman. My amendment addresses a very specific issue to this nuclear plant we have in New York State called Indian Point Nuclear Power Plant, in Westchester County, New York. It is 36 miles from Manhattan. And within 50 miles it has more than 17 million people.

As some of you might know, there has been a series of safety issues at Indian Point spanning many years, but the most recent problem tops them all. Two months ago the owners of Indian Point reported to the Nuclear Regulatory Commission that a number of bolts and plates in the Unit 2 reactor were degraded.

These bolts are vital to the safety and operational function of the plant. The bolts hold together metal plates that direct cooling water as it flows through the reactor core. Degraded bolts could allow plates to gap or even separate, providing pathways for water to bypass the reactor core. If the cooling water leaks out, you can imagine what happens to the core.

And we are not talking about a couple of bolts; we are talking about 227 bolts out of 832. That is 27 percent. This is the worst case of degradation ever found in a nuclear power plant.

After this failure was reported to the NRC in March, we learned that the NRC never required this equipment to be sufficiently inspected since the reactor began operating in the mid-1970's. No part of a nuclear plant should go four decades without sufficient in-

spection, especially for this problem, which was well known by both the industry and the NRC.

What else could be degraded within these reactors? Why did so many bolts degrade? Did the threads where the bolts were get stripped? Were the plates damaged from movement or friction as a result of the degraded bolts?

We don't know the answers to any of these questions yet. The so-called root cause analysis is still being performed and will take a few more months to be completed. In the meantime, the NRC is going to allow a restart of Unit 2 in June.

Opponents of this amendment are going to say that we will set a precedent for the NRC handling the degraded bolts issue. My response to that argument is that is a very good thing. The NRC should be taking this issue much more seriously.

Therefore, on behalf of our 17 million constituents who live within range of the plant, I offer this amendment to force the NRC to finish the root cause analysis before allowing Unit 2 reactor to restart. In addition, this amendment would require the NRC to move up the date for inspection for Unit 3 so that it is completed by the end of 2016. Until Unit 3 is also inspected, we have no way of knowing whether similar degradation is happening in that reactor. That is a gamble that I am not willing to take on behalf of so many millions of New Yorkers.

So I ask my colleagues to support this amendment.

And, Mr. Chairman, Senator Carper has suggested a voice vote for this, and I accept that.

[The text of the amendment offered by Senator Gillibrand follows:]

Amendment to S. 2795, Gillibrand #1

16 MAY 17 AM 10: 00

**Summary:**

Before approving the restart of Indian Point Generating Unit 2, the Commission shall submit to Congress a report containing the root cause analysis outlining the cause and the effects of the degraded baffle bolts on Indian Point Generating Unit 2.

For Indian Point Unit 3 the Commission shall require the licensee to inspect, by December 31, 2016, Indian Point Generating Unit 3 for any degradation of baffle-former bolts.



*Kirsten Gillibrand*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To impose requirements on the licensee for Indian Point Generating Units 2 and 3.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**S. 2795**

To modernize the regulation of nuclear energy.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. GILLIBRAND

Viz:

1 At the end, add the following:

2 **SEC. 10. INDIAN POINT.**

3 (a) INDIAN POINT UNIT 2.—Before approving the re-  
4 start of Indian Point Generating Unit 2, the Commission  
5 shall submit to Congress a report containing the root  
6 cause analysis outlining the cause and the effects of the  
7 degraded baffle bolts on Indian Point Generating Unit 2.

8 (b) INDIAN POINT UNIT 3.—The Commission shall  
9 require the licensee to inspect, by December 31, 2016, In-  
10 dian Point Generating Unit 3 for any degradation of baf-  
11 fle-former bolts.

Senator INHOFE. All right.

Let me just make a couple comments. I know the sincerity, the concern that you have. You have expressed that. And our staff has reached out to try to find an acceptable compromise with regard to the amendment, and I still want to do that. Senator Gillibrand has raised serious concerns and I want to find a serious solution that establishes accountability and transparency about the safety at Indian Point. But that takes more time than a 24-hour amendment filing deadline allows.

I have directed, and I know this is something that you want, Senator Gillibrand, my staff to request a bipartisan briefing from the NRC as soon as possible, I mean immediately, and I will be there, in order to gain a clear picture of what is being done and the extent of the issue with other plants. That is a necessary first step to understand how to craft a solution without causing unintended consequences.

I don't think we should set a precedent of substituting our judgment for the NRC's when it comes to determining plant safety. So I would oppose that but work very closely with you and try to accommodate a solution.

Senator BOXER.

Senator BOXER. Mr. Chairman, I truly appreciate your interest in this and the fact that you are going to personally study it. I do want to say that this is not a 24-hour deal. The last time we had a hearing, we did right here, Senator Gillibrand brought it up to the NRC. I remember it like it was a yesterday, though it was quite a while ago.

The bottom line is hundreds of degraded and cracked bolts were found. This isn't some theory; this is a fact. They were found in reactor vessels at the Indian Point Nuclear Power Plant in New York, and her amendment would ensure that the safety concerns raised by this discovery are fully addressed at Indian Point. I share her concern about the safety of this plant and believe similar plants have the same issue, and they may not know it. In fact, degraded bolts were discovered at the Salem Nuclear Power Plant in New Jersey.

So I am writing to the NRC today to ask the Commission to determine whether the issue identified at Indian Point and Salem could be a problem at other nuclear plants. Diablo Canyon in California has the same exact design, so it is important that NRC look at similar plants. So if it is New York and it is New Jersey with the same design as California, I think it may be more of a problem than we know.

And I appreciate Senator Gillibrand's leadership on the issue. I hear she is not going to ask for a recorded vote, but I would like to be noted in the record as having supported it, and I will share my letter that I write with everyone who is interested. But this is not an overnight 24-hour deal; this is a deep concern. I watched my colleague's face as she talked. You are talking about millions of people, and here we sit. We can do something about it, but, oh, no, we are going to do a voice vote and it won't go anywhere today. I think that is a mistake.

In closing, let me say this. If nuclear power is going to take its place, it had better be safe. So when you find something that is not

safe, you are not helping the industry to turn away. You help the industry when we make every move to make nuclear power safe. People are not stupid. They look at Fukushima; they see what happened. Some remember Three Mile Island and other disasters.

So when we make it safe, we make it acceptable. When we walk away from safety and we take away the money that is used to make it safe, I think we are undermining what we are trying to do here, which is to get a carbon-free alternative. That is how strongly I feel about it.

Senator INHOFE. Anyone want to be heard? Senator Sullivan?

Senator SULLIVAN. Mr. Chairman, I just wanted to mention a principle that I know that we try to focus on in this Committee. It is actually very important to me, given my State. On issues of very local concern, that the Committee here give the members a lot of leeway.

So this seems to be a very local concern. And when I have raised local concerns about my State, I have asked in this Committee for my colleagues to give the Senator from the State leeway on the issue because you know more about it and maybe care more about it than any other members. Unfortunately, that hasn't always happened, at least with regard to some Alaska issues, because they seem to be nationalized.

So I am sympathetic to this amendment because it is local. She knows more about it, Senator Gillibrand knows more about it than probably anyone else, and cares more about it than probably anyone else.

But I am also understanding, Mr. Chairman, of your concern about setting a precedent that this Committee somehow substitutes its judgment for the NRC's judgment on safety. There is no doubt that the experts are at the NRC, not here.

So I am just wondering if there is any way that there could be language in this amendment that absolutely makes it clear that this is not a precedent, this is a one-time issue that addresses, that we are not going to get involved in overriding the NRC. But I am sympathetic to a colleague who is raising an issue of very local concern that she knows more about than anyone else, and I would welcome that precedent on this Committee when issues that come up with regard to other States that are very important to the members here, that we get a little leeway on those kind of topics, because they certainly come up a lot with regard to my State, and we don't always get that leeway.

Senator GILLIBRAND. Mr. Chairman, just to clarify, all my amendment does it ask the NRC to look at it. So we are just saying this is something you must look at before you restart. So we are trying to give the ball to the NRC. The industry doesn't want the oversight. It is the industry who says you can't tell us what to do on safety.

But the only oversight we have is the NRC, so I am specifically asking, NRC, please insert yourself here because I am so worried about it, and you haven't looked at this in three decades. So I am asking the NRC to take some jurisdiction away from the industry, who doesn't want anyone to look at their stuff. That is why I am trying to give it to them, not us. I just said please look at this because I am so worried.

And I have no one else who is able to look at it; they are the only body that could go in and say we are not worried because it is 30 percent degraded and 50 percent is the breaking point. I need them to say that. I need them to know that and say it is not worrying to us. I think 30 percent is really close to 50, so that scares the heck out of me. So I just want the NRC to take jurisdiction on this, so I am giving it to them.

And it can be a one-time thing. We can put a statement in that this is not precedent-creating, if that is amenable.

Senator INHOFE. OK.

Senator CARPER. Mr. Chairman.

Senator INHOFE. I just want to respond to Senator Sullivan. We are going to be sitting down with them, all collectively, to make sure we get something done on this. And, of course, then we have the floor. So I hear you and that is exactly what I think we are doing.

Yes, Senator Carper.

Senator CARPER. Just very briefly. You have made a very generous offer to Senator Gillibrand and I just urge her to accept that, and let's just do a good quick deep dive, not like in a couple of months, but like right away. I am not sure how soon this bill is going to be on the floor, but it is imperative that whatever come out of that discussion, we be able to reflect that in the bill on the floor when it comes to the floor.

There are two options here: one, we don't vote on this or we vote it down or whatever, do what you are talking about doing and then say we are going to address it on the floor, or, two, I think follow Senator Sullivan's advice, which I think is very good, and vote for it on a voice vote, then do what you are talking about doing. And the outcome, I think, will be the same. I think this will maybe impart a greater sense of urgency to get some changes that I think need to be made, and I suspect you do too.

Senator INHOFE. Yes.

Did you want to seek recognition, Senator Booker?

Senator BOOKER. Yes, sir. Thank you very much, Mr. Chairman.

First of all, I just want to say, again, I am excited about this bill because it is looking to the future, new innovation that doesn't pose these kinds of threats that we are dealing with. But that said, if any one of us lived in the shadow of this nuclear plant and you had this kind of failure of the bolts, that large of a percentage, it really is frightening.

I sat here as Senator Gillibrand questioned during that hearing, and you were receiving wholly unsatisfactory answers, and what disturbed me was a lack of urgency about this specific plant. If any of us lived in the shadow of that, we would want to know the root cause of this problem.

And now I represent the same metropolitan area that Senator Gillibrand represents and, as you said, this is an isolated incident in terms of the dramatic number of bolts, but 18 bolts were found to be deficient in a New Jersey plant. So what she is asking for is what any of us, if we or our families lived in the shadow of that plant. We are not afraid of information. Let's just have some more transparency about why you have such a large percentage of bolts at this one plant.

I don't want it to take away from the forward-looking bill that we have to embrace future technology and innovation in the nuclear area that is going to help us to be more carbon-free, that is going to help create plants that actually eat this kind of fuel, that do many of the opposite things we are afraid of. But what Senator Gillibrand is asking for, demanding, has not received a satisfactory response, in my opinion, and that is why I support her amendment.

Senator INHOFE. And I appreciate that.

And thank you, Senator Carper, for your compliment. We are very sincere about wanting to get together on this, and I think we will.

Before us we have the Gillibrand amendment. Is there a motion?

Senator SULLIVAN. Mr. Chairman.

Senator INHOFE. Yes.

Senator SULLIVAN. Just one other thought, and I don't know if it is acceptable to Senator Gillibrand, but your commitment, as Senator Carper mentioned, to really get the NRC here, have them ask questions that satisfy her, and if they don't do that, then I think a number of us would be amenable to voting for this amendment on the floor.

Senator INHOFE. I agree with that.

Senator GILLIBRAND. Mr. Chairman.

Senator INHOFE. Yes.

Senator GILLIBRAND. So I did ask them. We had the NRC here and I asked them all the questions we would ask, and their answers were horrible. They basically said, it is not our concern; we don't have a concern; industry standard is we have redundancy. But they couldn't tell me what level of redundancy was safe. They couldn't tell me that 30 percent was unsafe or safe. They didn't have information.

We told the NRC in advance, this is exactly what Kirsten is going to ask you about, so please be prepared with answers. We had to request answers for the record we have not received yet. So they are stonewalling. And, yes, we will have them in again, we will ask the same questions, and now they will have more notice to prepare the answers they should have prepared months ago.

But their answer was we are not worried and we are not going to do this, it is not our job. And they are our only overseeing organization. They are the only one who could tell a plant we are concerned about this, we want you to do a little more. And if they are unwilling to use that authority, when I am desperately asking them please use that authority, I feel they are not doing their jobs. They are avoiding authority, which is absurd. They are the only safety net we have.

So we had the hearing, we had it, and I used my time to drill down and I got nothing. And Senator Boxer was here during that time, so she knows they were really nothing answers, side steps; we don't know, we are not sure, we will get you that for the record. But they couldn't tell me what level of failure is safe. They couldn't tell me.

So it is stressful because, again, we can pass this now into the base bill, we can say it is not precedent-setting, and then I will get my answer for Indian Point, or we could do it on the Senate floor. But when you do it on the Senate floor, you don't have the level

of expertise that this Committee has. They are not going to have the benefit of this discussion. They are not going to have the benefit of hearing NRC's answers, which I will circulate for you so you can satisfy yourself that they did not come prepared and did not give satisfactory answers. It is up to this Committee.

But I appreciate what you said, Senator Sullivan, I just think it is a safety risk that I am so frightened about, and I just wish this Committee could help me protect those 17 million people from something that we don't know whether it would happen or not.

Senator INHOFE. Well, Senator Gillibrand, I anticipate we are going to have a big crowd that is going to make sure that history doesn't repeat itself on this when we have our meeting with them, and hopefully we will have the same number of people here. And I will be there and make sure that we do.

Senator BOXER. When are you doing that?

Senator INHOFE. I stated as soon as possible, but I would say immediately.

Senator BOXER. Good.

Senator INHOFE. So we will do that.

Let's go ahead. You requested a voice vote. The Gillibrand amendment, is there a motion on the amendment? Second?

Senator BOXER. Second.

Senator INHOFE. All in favor say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[Chorus of noes.]

Senator INHOFE. The ayes do appear to have it.

[Laughter.]

Senator INHOFE. I am going to call for a roll call. Clerk, call the roll.

The Clerk: Mr. Barrasso.

Senator INHOFE. Oh, wait a minute. Barrasso, no by proxy.

The Clerk. Mr. Booker?

Senator BOOKER. Yes.

The Clerk. Mr. Boozman?

Senator INHOFE. No by proxy.

The Clerk. Mrs. Boxer?

Senator BOXER. Aye.

The Clerk. Mrs. Capito?

Senator CAPITO. No.

The Clerk. Mr. Cardin?

Senator BOXER. Aye by proxy.

The Clerk. Mr. Carper?

Senator CARPER. Aye.

The Clerk. Mr. Crapo?

Senator CRAPO. No.

The Clerk. Mrs. Fischer?

Senator FISCHER. No.

The Clerk. Mrs. Gillibrand?

Senator GILLIBRAND. Aye.

The Clerk. Mr. Markey?

Senator MARKEY. Aye.

The Clerk. Mr. Merkley?

Senator MERKLEY. Aye.

The Clerk. Mr. Rounds?  
 Senator ROUNDS. No.  
 The Clerk. Mr. Sanders?  
 Senator BOXER. Aye by proxy.  
 The Clerk. Mr. Sessions?  
 Senator INHOFE. No by proxy.  
 The Clerk. Mr. Sullivan?  
 Senator SULLIVAN. No.  
 The Clerk. Mr. Vitter?  
 Senator INHOFE. No by proxy.  
 The Clerk. Mr. Whitehouse?  
 Senator WHITEHOUSE. Aye.  
 The Clerk. Mr. Wicker?  
 Senator WICKER. No.  
 The Clerk. Mr. Chairman, the yeas are 9—  
 Senator INHOFE. I need to vote.  
 Senator CARDIN. Mr. Chairman?  
 Senator INHOFE. Yes.  
 Senator CARDIN. Can I be recorded aye in person?  
 Senator INHOFE. Yes, of course.  
 And you didn't call my name.  
 The Clerk. Mr. Chairman?  
 Senator INHOFE. No.  
 Senator BOOZMAN. Mr. Chairman, could you be recorded also as  
 a no in person?  
 Senator INHOFE. Live. A live no. Senator Boozman.  
 The Clerk. Mr. Chairman, the yeas are 9, the nays are 11.  
 Senator INHOFE. OK.  
 Senator SULLIVAN. Mr. Chairman, may I just make a comment?  
 Senator INHOFE. Let me finish with the vote here.  
 Senator SULLIVAN. Oh, I am sorry.  
 Senator INHOFE. The motion is not agreed to.  
 Senator SULLIVAN. I know I started this conversation and I just  
 want to say I certainly want to work with Senator Gillibrand on  
 this, and if she is not satisfied after you—I am sure the NRC is  
 watching this debate, and if they come back and they are not an-  
 swering the questions to her satisfaction, I certainly would commit  
 to voting yes on this amendment when it comes to the floor. And  
 I just wanted to mention that. Hopefully we will get it resolved be-  
 fore it comes up, but if it doesn't come to the point where she is  
 satisfied for her constituents, I certainly would be inclined to give  
 her the leeway to vote yes on this amendment if and when it comes  
 to the floor.  
 Senator INHOFE. Thank you, Senator Sullivan.  
 Other amendments to the manager's amendment?  
 Senator CRAPO. Mr. Chairman, could I just also make a post-  
 amendment comment here?  
 Senator INHOFE. Of course.  
 Senator CRAPO. As I understand the issue, and I don't profess to  
 be the expert on it, one of the problems we have is that in order  
 to do the work that the NRC would need to do on this reactor, as  
 your amendment would require, Senator Gillibrand, the reactor  
 needs to be shut down. And that is a very expensive process to en-

gage in, and my understanding is there is already a scheduled shutdown in March of next year.

Senator GILLIBRAND. That is Unit 3. So Unit 2 is already shut down, they already shut it down, so it is about restarting it June 1, I think. So we are just saying please investigate those baffle bolts before you restart, since it has already been shut down.

Senator CRAPO. On Unit 2.

Senator GILLIBRAND. On Unit 2.

Senator CRAPO. So it's already shut down.

Senator GILLIBRAND. It is already shut down.

Senator INHOFE. All right.

Now, is there a motion to adopt the substitute manager's amendment to S. 2795 and report S. 2795, as amended, favorably, to the Senate? Second?

Senator ROUNDS. Second.

Senator INHOFE. The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator INHOFE. Aye by proxy.

The Clerk. Mr. Booker?

Senator BOOKER. Yes.

The Clerk. Mr. Boozman?

Senator BOOZMAN. Yes.

The Clerk. Mrs. Boxer?

Senator BOXER. No.

The Clerk. Mrs. Capito?

Senator CAPITO. Yes.

The Clerk. Mr. Cardin?

Senator CARDIN. Aye.

The Clerk. Mr. Carper?

Senator CARPER. Aye.

The Clerk. Mr. Crapo?

Senator CRAPO. Aye.

The Clerk. Mrs. Fischer?

Senator FISCHER. Aye.

The Clerk. Mrs. Gillibrand?

Senator GILLIBRAND. No.

The Clerk. Mr. Markey?

Senator MARKEY. Aye.

The Clerk. Mr. Merkley?

Senator MERKLEY. Aye.

The Clerk. Mr. Rounds?

Senator ROUNDS. Aye.

The Clerk. Mr. Sanders?

Senator BOXER. No by proxy.

The Clerk. Mr. Sessions?

Senator INHOFE. Aye by proxy.

The Clerk. Mr. Sullivan?

Senator SULLIVAN. Aye.

The Clerk. Mr. Vitter?

Senator INHOFE. Aye by proxy.

The Clerk. Mr. Whitehouse?

Senator WHITEHOUSE. Aye.

The Clerk. Mr. Wicker?

Senator WICKER. Aye.



The Clerk. Mr. Chairman?

Senator INHOFE. Aye.

The Clerk. Mr. Chairman, the yeas are 17; the nays are 3.

Senator INHOFE. And it is agreed to.

If there is not objection, we are going to hit all the rest of them en bloc. There is no amendments. There is only one amendment filed, and that is mine, which is a technical amendment to the title on S. 2754. So I would move that amendment to S. 2754. Is there a second?

Senator ROUNDS. Second.

Senator INHOFE. Any objection?

[No audible response.]

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To make technical changes.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**S. 2754**

To designate the Federal building and United States courthouse located at 300 Fannin Street in Shreveport, Louisiana, as the “Tom Stagg Federal Building and United States Courthouse”.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. INHOFE

Viz:

On page 1, lines 3 and 4, strike “**FEDERAL BUILD-  
ING AND UNITED STATES COURTHOUSE**” and insert  
“**UNITED STATES COURT HOUSE**”.

On page 2, lines 21 and 22, strike “Federal Build-  
ing and United States Courthouse” and insert “United  
States Court House”.

1 On page 3, lines 2 and 3, strike “Federal Building  
2 and United States Courthouse” and insert “United States  
3 Court House”.

Senator INHOFE. It is agreed to.

Does any member wish to speak on the remaining items?

Senator CARPER. Just one thing. I just want to thank you for taking up the mantle that George Voinovich provided great leadership in diesel emission reduction. I thank Senator Boxer for her kind words. Everybody is a part of this bill. This is something we can be very, very proud of, and thank you all.

Senator INHOFE. Thank you, Senator Carper.

Others who want to be heard? Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman, very much.

You and I, we don't agree on climate change, but we do agree that we have to be committed to cleaning up old industrial contaminated sites so that they can be reused, and I want to thank you for your leadership on this bill and in partnering with Senator Boxer and with Senator Rounds and Booker and Crapo on this important piece of brownfields legislation. There are an estimated 15 million acres of potentially contaminated land in America, and in places where long industrial histories like Massachusetts we have nearly a century's worth of toxic materials that have accumulated in sites all across our Country.

The BUILD Act is critical to cleaning up the decades of abuse our lands have experienced at the hands of corporate polluters. Cleaning up brownfield sites is a win-win for the Country, helping to create jobs and spur economic activity while revitalizing underutilized and polluted lands. The brownfield grants authorized in the BUILD Act will give communities and businesses a chance to return economic stability to under-served and economically disadvantaged neighborhoods through the assessment and cleanup of abandoned industrial and commercial properties, places where environmental cleanups and new jobs are most needed. Many of those sites may also be good candidates for solar and wind and biomass energy production facilities.

While we still have a long way to go toward cleaning up the decades of abuse sustained by our Nation's lands, I am proud to have partnered here with my colleagues on this Committee to ensure that these brownfield sites are no longer part of the problem, but will be part of a clean energy solution, and I hope that my colleagues will all support this important bill today.

Senator INHOFE. Thank you, Senator Markey. I want to say you mentioned brownfields. Of course, that is one of the things we are acting on right now, and there is no better model for it, I would invite everyone to come to Oklahoma City, maybe after the game tonight, and see the Bricktown in Oklahoma City that is exactly what we should be doing all over America, and we are going to be able to do more of that with this.

Senator Whitehouse.

Senator WHITEHOUSE. Mr. Chairman, as a Rhode Island member on the Committee, I just wanted to put in a word of appreciation for the Senators Chafee, father and son, who championed this brownfield legislation for so many years. Of course, I will be glad to support it, but their work is entitled to some recognition.

Senator CARPER. Mr. Chairman, could I just ask to be added as a co-sponsor of S. 1479, the brownfields legislation? Thank you.

Senator INHOFE. Anyone else want to be heard? If not, is there a motion to report S. 2816, S. 1479, S. 921, S. 2754, as amended, and H.R. 3114, the GSA resolutions and the nomination of Jane Nishida, en bloc? Is there an objection? If not, is there a motion?

Senator CARPER. So move.

Senator INHOFE. Is there a second?

Senator CAPITO. Second.

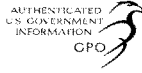
Senator INHOFE. All those in favor, say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[No audible response.]

Senator INHOFE. The ayes have it and they are adopted.



114TH CONGRESS  
2D SESSION

# S. 2816

To reauthorize the diesel emissions reduction program.

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## IN THE SENATE OF THE UNITED STATES

APRIL 19, 2016

Mr. CARPER (for himself, Mr. INHOFE, Mrs. CAPITO, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## A BILL

To reauthorize the diesel emissions reduction program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Diesel Emissions Re-  
5 duction Act of 2016”.

### 6 **SEC. 2. REAUTHORIZATION OF DIESEL EMISSIONS REDUC-** 7 **TION PROGRAM.**

8 Section 797(a) of the Energy Policy Act of 2005 (42  
9 U.S.C. 16137(a)) is amended by striking “2016” and in-  
10 serting “2021”.



114TH CONGRESS  
1ST SESSION

# S. 1479

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to grants, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 2, 2015

Mr. INHOFF (for himself, Mr. MARKEY, Mr. ROUNDS, Mrs. BOXER, Mr. CRAPO, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to grants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Brownfields Utiliza-  
5 tion, Investment, and Local Development Act of 2015” or  
6 the “BUILD Act”.

1 **SEC. 2. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANI-**  
2 **ZATIONS.**

3 Section 104(k)(1) of the Comprehensive Environ-  
4 mental Response, Compensation, and Liability Act of  
5 1980 (42 U.S.C. 9604(k)(1)) is amended—

6 (1) in subparagraph (G), by striking “or” after  
7 the semicolon;

8 (2) in subparagraph (H), by striking the period  
9 at the end and inserting a semicolon; and

10 (3) by adding at the end the following:

11 “(I) an organization described in section  
12 501(c)(3) of the Internal Revenue Code of 1986  
13 and exempt from taxation under section 501(a)  
14 of that Code;

15 “(J) a limited liability corporation in which  
16 all managing members are organizations de-  
17 scribed in subparagraph (I) or limited liability  
18 corporations whose sole members are organiza-  
19 tions described in subparagraph (I);

20 “(K) a limited partnership in which all  
21 general partners are organizations described in  
22 subparagraph (I) or limited liability corpora-  
23 tions whose sole members are organizations de-  
24 scribed in subparagraph (I); or

1           “(L) a qualified community development  
2           entity (as defined in section 45D(e)(1) of the  
3           Internal Revenue Code of 1986).”.

4   **SEC. 3. MULTIPURPOSE BROWNFIELDS GRANTS.**

5           Section 104(k) of the Comprehensive Environmental  
6   Response, Compensation, and Liability Act of 1980 (42  
7   U.S.C. 9604(k)) is amended—

8           (1) by redesignating paragraphs (4) through  
9           (9) and (10) through (12) as paragraphs (5)  
10          through (10) and (13) through (15), respectively;

11          (2) in paragraph (3)(A), by striking “subject to  
12          paragraphs (4) and (5)” and inserting “subject to  
13          paragraphs (5) and (6)”; and

14          (3) by inserting after paragraph (3) the fol-  
15          lowing:

16           “(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

17           “(A) IN GENERAL.—Subject to subpara-  
18          graph (D) and paragraphs (5) and (6), the Ad-  
19          ministrator shall establish a program to provide  
20          multipurpose grants to an eligible entity based  
21          on the considerations under paragraph (3)(C),  
22          to carry out inventory, characterization, assess-  
23          ment, planning, or remediation activities at 1 or  
24          more brownfield sites in a proposed area.

25           “(B) GRANT AMOUNTS.—



1           “(i) INDIVIDUAL GRANT AMOUNTS.—  
2           Each grant awarded under this paragraph  
3           shall not exceed \$950,000.

4           “(ii) CUMULATIVE GRANT  
5           AMOUNTS.—The total amount of grants  
6           awarded for each fiscal year under this  
7           paragraph shall not exceed 15 percent of  
8           the funds made available for the fiscal year  
9           to carry out this subsection.

10          “(C) CRITERIA.—In awarding a grant  
11          under this paragraph, the Administrator shall  
12          consider the extent to which an eligible entity is  
13          able—

14               “(i) to provide an overall plan for re-  
15               vitalization of the 1 or more brownfield  
16               sites in the proposed area in which the  
17               multipurpose grant will be used;

18               “(ii) to demonstrate a capacity to con-  
19               duct the range of eligible activities that  
20               will be funded by the multipurpose grant;  
21               and

22               “(iii) to demonstrate that a multipur-  
23               pose grant will meet the needs of the 1 or  
24               more brownfield sites in the proposed area.

1           “(D) CONDITION.—As a condition of re-  
2           ceiving a grant under this paragraph, each eli-  
3           gible entity shall expend the full amount of the  
4           grant not later than the date that is 3 years  
5           after the date on which the grant is awarded to  
6           the eligible entity unless the Administrator, in  
7           the discretion of the Administrator, provides an  
8           extension.”.

9   **SEC. 4. TREATMENT OF CERTAIN PUBLICLY OWNED**  
10           **BROWNFIELD SITES.**

11       Section 104(k)(2) of the Comprehensive Environ-  
12       mental Response, Compensation, and Liability Act of  
13       1980 (42 U.S.C. 9604(k)(2)) is amended by adding at the  
14       end the following:

15           “(C) EXEMPTION FOR CERTAIN PUBLICLY  
16           OWNED BROWNFIELD SITES.—Notwithstanding  
17           any other provision of law, an eligible entity  
18           that is a governmental entity may receive a  
19           grant under this paragraph for property ac-  
20           quired by that governmental entity prior to  
21           January 11, 2002, even if the governmental en-  
22           tity does not qualify as a bona fide prospective  
23           purchaser (as that term is defined in section  
24           101(40)), so long as the eligible entity has not  
25           caused or contributed to a release or threatened

1 release of a hazardous substance at the prop-  
2 erty.”.

3 **SEC. 5. INCREASED FUNDING FOR REMEDIATION GRANTS.**

4 Section 104(k)(3)(A)(ii) of the Comprehensive Envi-  
5 ronmental Response, Compensation, and Liability Act of  
6 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by strik-  
7 ing “\$200,000 for each site to be remediated” and insert-  
8 ing “\$500,000 for each site to be remediated, which limit  
9 may be waived by the Administrator, but not to exceed  
10 a total of \$650,000 for each site, based on the anticipated  
11 level of contamination, size, or ownership status of the  
12 site”.

13 **SEC. 6. ALLOWING ADMINISTRATIVE COSTS FOR GRANT**  
14 **RECIPIENTS.**

15 Paragraph (5) of section 104(k) of the Comprehen-  
16 sive Environmental Response, Compensation, and Liabil-  
17 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by  
18 section 3(1)) is amended—

19 (1) in subparagraph (B)—

20 (A) in clause (i)—

21 (i) by striking subclause (III); and

22 (ii) by redesignating subclauses (IV)

23 and (V) as subclauses (III) and (IV), re-

24 spectively;

25 (B) by striking clause (ii);

1 (C) by redesignating clause (iii) as clause  
2 (ii); and

3 (D) in clause (ii) (as redesignated by sub-  
4 paragraph (C)), by striking “Notwithstanding  
5 clause (i)(IV)” and inserting “Notwithstanding  
6 clause (i)(III)”; and

7 (2) by adding at the end the following:

8 “(E) ADMINISTRATIVE COSTS.—

9 “(i) IN GENERAL.—An eligible entity  
10 may use up to 8 percent of the amounts  
11 made available under a grant or loan  
12 under this subsection for administrative  
13 costs.

14 “(ii) RESTRICTION.—For purposes of  
15 clause (i), the term ‘administrative costs’  
16 does not include—

17 “(I) investigation and identifica-  
18 tion of the extent of contamination;

19 “(II) design and performance of  
20 a response action; or

21 “(III) monitoring of a natural re-  
22 source.”.

1 **SEC. 7. SMALL COMMUNITY TECHNICAL ASSISTANCE**  
2 **GRANTS.**

3 Paragraph (7)(A) of section 104(k) of the Com-  
4 prehensive Environmental Response, Compensation, and  
5 Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesign-  
6 nated by section 3(1)) is amended—

7 (1) by striking “The Administrator may pro-  
8 vide,” and inserting the following:

9 “(i) DEFINITIONS.—In this subpara-  
10 graph:

11 “(I) DISADVANTAGED AREA.—  
12 The term ‘disadvantaged area’ means  
13 an area with an annual median house-  
14 hold income that is less than 80 per-  
15 cent of the State-wide annual median  
16 household income, as determined by  
17 the latest available decennial census.

18 “(II) SMALL COMMUNITY.—The  
19 term ‘small community’ means a com-  
20 munity with a population of not more  
21 than 15,000 individuals, as deter-  
22 mined by the latest available decennial  
23 census.

24 “(ii) ESTABLISHMENT OF PRO-  
25 GRAM.—The Administrator shall establish

1 a program to provide grants that pro-  
2 vide,”; and

3 (2) by adding at the end the following:

4 “(iii) SMALL OR DISADVANTAGED  
5 COMMUNITY RECIPIENTS.—

6 “(I) IN GENERAL.—Subject to  
7 subclause (II), in carrying out the  
8 program under clause (ii), the Admin-  
9 istrator shall use not more than  
10 \$600,000 of the amounts made avail-  
11 able to carry out this paragraph to  
12 provide grants to States that receive  
13 amounts under section 128(a) to as-  
14 sist small communities, Indian tribes,  
15 rural areas, or disadvantaged areas in  
16 achieving the purposes described in  
17 clause (ii).

18 “(II) LIMITATION.—Each grant  
19 awarded under subclause (I) shall be  
20 not more than \$7,500.”.

21 **SEC. 8. WATERFRONT BROWNFIELDS GRANTS.**

22 Section 104(k) of the Comprehensive Environmental  
23 Response, Compensation, and Liability Act of 1980 (42  
24 U.S.C. 9604(k)) is amended by inserting after paragraph  
25 (10) (as redesignated by section 3(1)) the following:

1 “(11) WATERFRONT BROWNFIELD SITES.—

2 “(A) DEFINITION OF WATERFRONT  
3 BROWNFIELD SITE.—In this paragraph, the  
4 term ‘waterfront brownfield site’ means a  
5 brownfield site that is adjacent to a body of  
6 water or a federally designated floodplain.

7 “(B) REQUIREMENTS.—In providing  
8 grants under this subsection, the Administrator  
9 shall—

10 “(i) take into consideration whether  
11 the brownfield site to be served by the  
12 grant is a waterfront brownfield site; and

13 “(ii) give consideration to waterfront  
14 brownfield sites.”.

15 **SEC. 9. CLEAN ENERGY BROWNFIELDS GRANTS.**

16 Section 104(k) of the Comprehensive Environmental  
17 Response, Compensation, and Liability Act of 1980 (42  
18 U.S.C. 9604(k)) (as amended by section 8) is amended  
19 by inserting after paragraph (11) the following:

20 “(12) CLEAN ENERGY PROJECTS AT  
21 BROWNFIELD SITES.—

22 “(A) DEFINITION OF CLEAN ENERGY  
23 PROJECT.—In this paragraph, the term ‘clean  
24 energy project’ means—

1 “(i) a facility that generates renew-  
2 able electricity from wind, solar, or geo-  
3 thermal energy; and

4 “(ii) any energy efficiency improve-  
5 ment project at a facility, including com-  
6 bined heat and power and district energy.

7 “(B) ESTABLISHMENT.—The Adminis-  
8 trator shall establish a program to provide  
9 grants—

10 “(i) to eligible entities to carry out in-  
11 ventory, characterization, assessment,  
12 planning, feasibility analysis, design, or re-  
13 mediation activities to locate a clean en-  
14 ergy project at 1 or more brownfield sites;  
15 and

16 “(ii) to capitalize a revolving loan  
17 fund for the purposes described in clause  
18 (i).

19 “(C) MAXIMUM AMOUNT.—A grant under  
20 this paragraph shall not exceed \$500,000.”.

21 **SEC. 10. TARGETED FUNDING FOR STATES.**

22 Paragraph (15) of section 104(k) of the Comprehen-  
23 sive Environmental Response, Compensation, and Liabil-  
24 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by



1 section 3(1)) is amended by adding at the end the fol-  
2 lowing:

3           “(C) TARGETED FUNDING.—Of the  
4           amounts made available under subparagraph  
5           (A) for a fiscal year, the Administrator may use  
6           not more than \$2,000,000 to provide grants to  
7           States for purposes authorized under section  
8           128(a), subject to the condition that each State  
9           that receives a grant under this subparagraph  
10          shall have used at least 50 percent of the  
11          amounts made available to that State in the  
12          previous fiscal year to carry out assessment and  
13          remediation activities under section 128(a).”.

14 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

15       (a) BROWNFIELDS REVITALIZATION FUNDING.—  
16 Paragraph (15)(A) of section 104(k) of the Comprehen-  
17 sive Environmental Response, Compensation, and Liabil-  
18 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by  
19 section 3(1)) is amended by striking “2006” and inserting  
20 “2018”.

21       (b) STATE RESPONSE PROGRAMS.—Section  
22 128(a)(3) of the Comprehensive Environmental Response,  
23 Compensation, and Liability Act of 1980 (42 U.S.C.

78

13

1 9628(a)(3)) is amended by striking “2006” and inserting  
2 “2018”.

○



114TH CONGRESS  
1ST SESSION

# S. 921

To direct the Secretary of the Interior to establish a nonregulatory program to build on and help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 14, 2015

Mr. CARPER (for himself, Mr. COONS, Mr. BOOKER, Mr. MENENDEZ, Mr. CASEY, Mr. SCHUMER, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## A BILL

To direct the Secretary of the Interior to establish a nonregulatory program to build on and help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Delaware River Basin  
5 Conservation Act of 2015”.

### 6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) the Delaware River Basin is a national  
2     treasure of great cultural, environmental, ecological,  
3     and economic importance;

4           (2) the Basin contains over 12,500 square miles  
5     of land in the States of Delaware, New Jersey, New  
6     York, and Pennsylvania, including nearly 800 square  
7     miles of bay and more than 2,000 tributary rivers  
8     and streams;

9           (3) the Basin is home to more than 8,000,000  
10    people who depend on the Delaware River and the  
11    Delaware Bay as an economic engine, a place of  
12    recreation, and a vital habitat for fish and wildlife;

13          (4) the Basin provides clean drinking water to  
14    more than 15,000,000 people, including New York  
15    City, which relies on the Basin for approximately  
16    half of the drinking water supply of the city, and  
17    Philadelphia, whose most significant threat to the  
18    drinking water supply of the city is loss of forests  
19    and other natural cover in the Upper Basin, accord-  
20    ing to a study conducted by the Philadelphia Water  
21    Department;

22          (5) the Basin contributes \$25,000,000,000 an-  
23    nually in economic activity, provides  
24    \$21,000,000,000 in ecosystem goods and services  
25    per year, and is directly or indirectly responsible for

1       600,000 jobs with \$10,000,000,000 in annual  
2       wages;

3       (6) almost 180 species of fish and wildlife are  
4       considered special status species in the Basin due to  
5       habitat loss and degradation, particularly sturgeon,  
6       eastern oyster, horseshoe crabs, and red knots,  
7       which have been identified as unique species in need  
8       of habitat improvement;

9       (7) the Basin provides habitat for over 200  
10      resident and migrant fish species, includes signifi-  
11      cant recreational fisheries, and is an important  
12      source of eastern oyster, blue crab, and the largest  
13      population of the American horseshoe crab;

14      (8) the annual dockside value of commercial  
15      eastern oyster fishery landings for the Delaware Es-  
16      tuary is nearly \$4,000,000, making it the fourth  
17      most lucrative fishery in the Delaware River Basin  
18      watershed, and proven management strategies are  
19      available to increase oyster habitat, abundance, and  
20      harvest;

21      (9) the Delaware Bay has the second largest  
22      concentration of shorebirds in North America and is  
23      designated as one of the 4 most important shorebird  
24      migration sites in the world;

1           (10) the Basin, 50 percent of which is forested,  
2       also has over 700,000 acres of wetland, more than  
3       126,000 acres of which are recognized as inter-  
4       nationally important, resulting in a landscape that  
5       provides essential ecosystem services, including  
6       recreation, commercial, and water quality benefits;

7           (11) much of the remaining exemplary natural  
8       landscape in the Basin is vulnerable to further deg-  
9       radation, as the Basin gains approximately 10  
10      square miles of developed land annually, and with  
11      new development, urban watersheds are increasingly  
12      covered by impervious surfaces, amplifying the quan-  
13      tity of polluted runoff into rivers and streams;

14          (12) the Delaware River is the longest  
15      undammed river east of the Mississippi; a critical  
16      component of the National Wild and Scenic Rivers  
17      System in the Northeast, with more than 400 miles  
18      designated; home to one of the most heavily visited  
19      National Park units in the United States, the Dela-  
20      ware Water Gap National Recreation Area; and the  
21      location of 6 National Wildlife Refuges;

22          (13) the Delaware River supports an inter-  
23      nationally renowned cold water fishery in more than  
24      80 miles of its northern headwaters that attracts  
25      tens of thousands of visitors each year and generates

1 over \$21,000,000 in annual revenue through tourism  
2 and recreational activities;

3 (14) management of water volume in the Basin  
4 is critical to flood mitigation and habitat for fish  
5 and wildlife, and following 3 major floods along the  
6 Delaware River since 2004, the Governors of the  
7 States of Delaware, New Jersey, New York, and  
8 Pennsylvania have called for natural flood damage  
9 reduction measures to combat the problem, including  
10 restoring the function of riparian corridors;

11 (15) the Delaware River Port Complex (includ-  
12 ing docking facilities in the States of Delaware, New  
13 Jersey, and Pennsylvania) is one of the largest  
14 freshwater ports in the world, the Port of Philadel-  
15 phia handles the largest volume of international ton-  
16 nage and 70 percent of the oil shipped to the East  
17 Coast, and the Port of Wilmington, a full-service  
18 deepwater port and marine terminal supporting  
19 more than 12,000 jobs, is the busiest terminal on  
20 the Delaware River, handling more than 400 vessels  
21 per year with an annual import/export cargo tonnage  
22 of more than 4,000,000 tons;

23 (16) the Delaware Estuary, where freshwater  
24 from the Delaware River mixes with saltwater from  
25 the Atlantic Ocean, is one of the largest and most

1 complex of the 28 estuaries in the National Estuary  
2 Program, and the Partnership for the Delaware Es-  
3 tuary works to improve the environmental health of  
4 the Delaware Estuary;

5 (17) the Delaware River Basin Commission is a  
6 Federal-interstate compact government agency  
7 charged with overseeing a unified approach to man-  
8 aging the river system and implementing important  
9 water resources management projects and activities  
10 throughout the Basin that are in the national inter-  
11 est;

12 (18) restoration activities in the Basin are sup-  
13 ported through several Federal and State agency  
14 programs, and funding for those important pro-  
15 grams should continue and complement the estab-  
16 lishment of the Delaware River Basin Restoration  
17 Program, which is intended to build on and help co-  
18 ordinate restoration and protection funding mecha-  
19 nisms at the Federal, State, regional, and local lev-  
20 els; and

21 (19) the existing and ongoing voluntary con-  
22 servation efforts in the Delaware River Basin neces-  
23 sitate improved efficiency and cost effectiveness, as  
24 well as increased private-sector investments and co-  
25 ordination of Federal and non-Federal resources.



1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **BASIN.**—The term “Basin” means the 4-  
4 State Delaware Basin region, including all of Dela-  
5 ware Bay and portions of the States of Delaware,  
6 New Jersey, New York, and Pennsylvania located in  
7 the Delaware River watershed.

8 (2) **BASIN STATE.**—The term “Basin State”  
9 means each of the States of Delaware, New Jersey,  
10 New York, and Pennsylvania.

11 (3) **DIRECTOR.**—The term “Director” means  
12 the Director of the United States Fish and Wildlife  
13 Service.

14 (4) **FOUNDATION.**—The term “Foundation”  
15 means the National Fish and Wildlife Foundation, a  
16 congressionally chartered foundation established by  
17 section 2 of the National Fish and Wildlife Founda-  
18 tion Establishment Act (16 U.S.C. 3701).

19 (5) **GRANT PROGRAM.**—The term “grant pro-  
20 gram” means the voluntary Delaware River Basin  
21 Restoration Grant Program established under sec-  
22 tion 5.

23 (6) **PROGRAM.**—The term “program” means  
24 the nonregulatory Delaware River Basin restoration  
25 program established under section 4.

1           (7) RESTORATION AND PROTECTION.—The  
2       term “restoration and protection” means the con-  
3       servation, stewardship, and enhancement of habitat  
4       for fish and wildlife to preserve and improve eco-  
5       systems and ecological processes on which they de-  
6       pend, and for use and enjoyment by the public.

7           (8) SECRETARY.—The term “Secretary” means  
8       the Secretary of the Interior, acting through the Di-  
9       rector.

10          (9) SERVICE.—The term “Service” means the  
11       United States Fish and Wildlife Service.

12   **SEC. 4. PROGRAM ESTABLISHMENT.**

13          (a) ESTABLISHMENT.—Not later than 180 days after  
14       the date of enactment of this Act, the Secretary shall es-  
15       tablish a nonregulatory program to be known as the  
16       “Delaware River Basin restoration program”.

17          (b) DUTIES.—In carrying out the program, the Sec-  
18       retary shall—

19               (1) draw on existing and new management  
20       plans for the Basin, or portions of the Basin, and  
21       work in consultation with applicable management  
22       entities, including representatives of the Partnership  
23       for the Delaware Estuary, the Delaware River Basin  
24       Commission, the Federal Government, and other  
25       State and local governments, and regional and non-

1 profit organizations, as appropriate, to identify,  
2 prioritize, and implement restoration and protection  
3 activities within the Basin;

4 (2) adopt a Basinwide strategy that—

5 (A) supports the implementation of a  
6 shared set of science-based restoration and pro-  
7 tection activities developed in accordance with  
8 paragraph (1);

9 (B) targets cost-effective projects with  
10 measurable results; and

11 (C) maximizes conservation outcomes with  
12 no net gain of Federal full-time equivalent em-  
13 ployees; and

14 (3) establish the voluntary grant and technical  
15 assistance programs in accordance with section 5.

16 (c) COORDINATION.—In establishing the program,  
17 the Secretary shall consult, as appropriate, with—

18 (1) the heads of Federal agencies, including—

19 (A) the Administrator of the Environ-  
20 mental Protection Agency;

21 (B) the Administrator of the National Oce-  
22 anic and Atmospheric Administration;

23 (C) the Chief of the Natural Resources  
24 Conservation Service;

1 (D) the Chief of Engineers of the Corps of  
2 Engineers; and

3 (E) the head of any other applicable agen-  
4 cy;

5 (2) the Governors of the Basin States;

6 (3) the Partnership for the Delaware Estuary;

7 (4) the Delaware River Basin Commission;

8 (5) fish and wildlife joint venture partnerships;

9 and

10 (6) other public agencies and organizations with  
11 authority for the planning and implementation of  
12 conservation strategies in the Basin.

13 (d) PURPOSES.—The purposes of the program in-  
14 clude—

15 (1) coordinating restoration and protection ac-  
16 tivities among Federal, State, local, and regional en-  
17 tities and conservation partners throughout the  
18 Basin;

19 (2) carrying out coordinated restoration and  
20 protection activities, and providing for technical as-  
21 sistance throughout the Basin and Basin States—

22 (A) to sustain and enhance fish and wild-  
23 life habitat restoration and protection activities;

24 (B) to improve and maintain water quality  
25 to support fish and wildlife, as well as the habi-

1           tats of fish and wildlife, and drinking water for  
2           people;

3           (C) to sustain and enhance water manage-  
4           ment for volume and flood damage mitigation  
5           improvements to benefit fish and wildlife habi-  
6           tat;

7           (D) to improve opportunities for public ac-  
8           cess and recreation in the Basin consistent with  
9           the ecological needs of fish and wildlife habitat;

10          (E) to facilitate strategic planning to maxi-  
11          mize the resilience of natural systems and habi-  
12          tats under changing watershed conditions;

13          (F) to engage the public through outreach,  
14          education, and citizen involvement, to increase  
15          capacity and support for coordinated restora-  
16          tion and protection activities in the Basin;

17          (G) to increase scientific capacity to sup-  
18          port the planning, monitoring, and research ac-  
19          tivities necessary to carry out coordinated res-  
20          toration and protection activities; and

21          (H) to provide technical assistance to carry  
22          out restoration and protection activities in the  
23          Basin.

1 **SEC. 5. GRANTS AND ASSISTANCE.**

2 (a) DELAWARE RIVER BASIN RESTORATION GRANT  
3 PROGRAM.—To the extent that funds are available to  
4 carry out this section, the Secretary shall establish a vol-  
5 untary grant and technical assistance program to be  
6 known as the “Delaware River Basin Restoration Grant  
7 Program” to provide competitive matching grants of vary-  
8 ing amounts to State and local governments, nonprofit or-  
9 ganizations, institutions of higher education, and other eli-  
10 gible entities to carry out activities described in section  
11 4(d).

12 (b) CRITERIA.—The Secretary, in consultation with  
13 the organizations described in section 4(c), shall develop  
14 criteria for the grant program to help ensure that activi-  
15 ties funded under this section accomplish one or more of  
16 the purposes identified in section 4(d)(2) and advance the  
17 implementation of priority actions or needs identified in  
18 the Basinwide strategy adopted under section 4(b)(2).

19 (c) COST SHARING.—

20 (1) FEDERAL SHARE.—The Federal share of  
21 the cost of a project funded under the grant pro-  
22 gram shall not exceed 50 percent of the total cost  
23 of the activity, as determined by the Secretary.

24 (2) NON-FEDERAL SHARE.—The non-Federal  
25 share of the cost of a project funded under the grant

1 program may be provided in cash or in the form of  
2 an in-kind contribution of services or materials.

3 (d) ADMINISTRATION.—

4 (1) IN GENERAL.—The Secretary may enter  
5 into an agreement to manage the grant program  
6 with the National Fish and Wildlife Foundation or  
7 a similar organization that offers grant management  
8 services.

9 (2) FUNDING.—If the Secretary enters into an  
10 agreement under paragraph (1), the organization se-  
11 lected shall—

12 (A) for each fiscal year, receive amounts to  
13 carry out this section in an advance payment of  
14 the entire amount on October 1, or as soon as  
15 practicable thereafter, of that fiscal year;

16 (B) invest and reinvest those amounts for  
17 the benefit of the grant program; and

18 (C) otherwise administer the grant pro-  
19 gram to support partnerships between the pub-  
20 lic and private sectors in accordance with this  
21 Act.

22 (3) REQUIREMENTS.—If the Secretary enters  
23 into an agreement with the Foundation under para-  
24 graph (1), any amounts received by the Foundation  
25 under this section shall be subject to the National

1 Fish and Wildlife Foundation Establishment Act (16  
2 U.S.C. 3701 et seq.), excluding section 10(a) of that  
3 Act (16 U.S.C. 3709(a)).

4 **SEC. 6. ANNUAL REPORTS.**

5 Not later than 180 days after the date of enactment  
6 of this Act and annually thereafter, the Secretary shall  
7 submit to Congress a report on the implementation of this  
8 Act, including a description of each project that has re-  
9 ceived funding under this Act.

10 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There is authorized to be appro-  
12 priated to the Secretary to carry out this Act \$5,000,000  
13 for each of fiscal years 2016 through 2021.

14 (b) USE.—Of any amount made available under this  
15 section for each fiscal year, the Secretary shall use at least  
16 75 percent to carry out the grant program under section  
17 5 and to provide, or provide for, technical assistance under  
18 such program.

○





114TH CONGRESS  
2D SESSION

# S. 2754

To designate the Federal building and United States courthouse located at 300 Fannin Street in Shreveport, Louisiana, as the “Tom Stagg Federal Building and United States Courthouse”.

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## IN THE SENATE OF THE UNITED STATES

APRIL 6, 2016

Mr. CASSIDY (for himself and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## A BILL

To designate the Federal building and United States courthouse located at 300 Fannin Street in Shreveport, Louisiana, as the “Tom Stagg Federal Building and United States Courthouse”.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TOM STAGG FEDERAL BUILDING AND UNITED**  
4 **STATES COURTHOUSE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the Honorable Thomas Eaton Stagg, Jr.,  
7 served as judge of the United States District Court

1 for the Western District of Louisiana from 1974  
2 until his death in 2015;

3 (2) Judge Stagg served as Chief Judge of the  
4 United States District Court for the Western Dis-  
5 trict of Louisiana from 1984 through 1992;

6 (3) Judge Stagg served as Senior Judge of the  
7 United States District Court for the Western Dis-  
8 trict of Louisiana from 1992 through 2015;

9 (4) Judge Stagg exemplified all that is respect-  
10 able and dignified in the judiciary and was a mentor  
11 and role model for all attorneys within and beyond  
12 the Western District of Louisiana; and

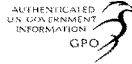
13 (5) the naming of the Federal building and  
14 United States courthouse located at 300 Fannin  
15 Street in Shreveport, Louisiana, after Judge Stagg  
16 would honor his name and the legacy he left to all  
17 citizens of the Western District of Louisiana.

18 (b) DESIGNATION.—The Federal building and United  
19 States courthouse located at 300 Fannin Street in Shreve-  
20 port, Louisiana, shall be known and designated as the  
21 “Tom Stagg Federal Building and United States Court-  
22 house”.

23 (c) REFERENCES.—Any reference in a law, map, reg-  
24 ulation, document, paper, or other record of the United  
25 States to the Federal building and United States court-

1 house referred to in subsection (b) shall be deemed to be  
2 a reference to the “Tom Stagg Federal Building and  
3 United States Courthouse”.





114TH CONGRESS  
1ST SESSION

# H. R. 3114

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2015

Received; read twice and referred to the Committee on Environment and  
Public Works

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## AN ACT

To provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDINGS.**

2 Congress finds the following:

3 (1) The Corps of Engineers and other Federal  
4 agencies are required to preserve and catalogue arti-  
5 facts and other items of national historical signifi-  
6 cance that are uncovered during the course of their  
7 work (notably under part 79 of title 36, Code of  
8 Federal Regulations).

9 (2) Uncatalogued artifacts within the care of  
10 Federal agencies are stored in hundreds of reposi-  
11 tories and museums across the Nation.

12 (3) In October 2009, the Corps of Engineers,  
13 Center of Expertise for the Curation and Manage-  
14 ment of Archaeological Collections, initiated the Vet-  
15 erans' Curation Program to employ and train Iraq  
16 and Afghanistan veterans in archaeological proc-  
17 essing.

18 (4) The Veterans' Curation Program employs  
19 veterans and members of the Armed Forces in the  
20 sorting, cleaning, and cataloguing of artifacts man-  
21 aged by the Corps of Engineers.

22 (5) Employees of the Veterans' Curation Pro-  
23 gram gain valuable work skills, including computer  
24 database management, records management, photo-  
25 graphic and scanning techniques, computer software  
26 proficiency, vocabulary and writing skills, and inter-

1     personal communication skills, as well as knowledge  
2     and training in archaeology and history.

3           (6) Since 2009, a total of 241 veterans have  
4     participated in the Veterans' Curation Program, in-  
5     cluding the current class of 38 participants. Of the  
6     203 graduates of the program, 87 percent have re-  
7     ceived permanent employment in a field related to  
8     training received under the program or chosen to  
9     continue their education.

10          (7) Experience in archaeological curation  
11     gained through the Veterans' Curation Program is  
12     valuable training and experience for the museum,  
13     forensics, administrative, records management, and  
14     other fields.

15          (8) Veterans' Curation Program participants  
16     may assist the Corps of Engineers in developing a  
17     more efficient and comprehensive collections man-  
18     agement program and also may provide the work-  
19     force to meet the records management needs at  
20     other agencies and departments, including the De-  
21     partment of Veterans Affairs.

1 **SEC. 2. TRAINING AND EMPLOYMENT FOR VETERANS AND**  
2 **MEMBERS OF ARMED FORCES IN CURATION**  
3 **AND HISTORIC PRESERVATION.**

4 Using available funds, the Secretary of the Army,  
5 acting through the Chief of Engineers, shall carry out a  
6 Veterans' Curation Program to hire veterans and mem-  
7 bers of the Armed Forces to assist the Secretary in car-  
8 rying out curation and historic preservation activities.

Passed the House of Representatives November 17,  
2015.

Attest:

KAREN L. HAAS,

*Clerk.*

**COMMITTEE RESOLUTION**

**ALTERATION  
PHILLIP BURTON FEDERAL BUILDING & U.S. COURTHOUSE  
SAN FRANCISCO, CA  
PCA-0154-SF16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to reconfigure existing vacant space and upgrade building systems at the Phillip Burton Federal Building & U.S. Courthouse located at 450 Golden Gate Avenue, San Francisco, CA, at a cost not to exceed \$2,630,000 for design; \$22,300,000 for construction; and a management and inspection cost of \$2,340,000, for a total cost of \$27,270,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016



**COMMITTEE RESOLUTION**

**ALTERATION  
DENVER FEDERAL CENTER BUILDING 56  
LAKEWOOD, COLORADO  
PCO-0533-LA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to upgrade building systems and undertake exterior repairs at the Denver Federal Center (DFC) Building 56 located at West 6<sup>th</sup> Avenue & Kipling Street in Lakewood, Colorado, at a cost not to exceed \$613,000 for design; \$5,022,000, for construction; and a management and inspection cost of \$507,000, for a total cost of \$6,142,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

ALTERATION  
ABRAHAM A. RIBICOFF FEDERAL BUILDING AND U.S. COURTHOUSE ANNEX  
HARTFORD, CT  
PCT-0053-HA16

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to replace and upgrade multiple exterior building systems of the Annex portion of the Abraham A. Ribicoff Federal Building and U.S. Courthouse in Hartford, CT, at a cost not to exceed \$765,000 for design; \$8,450,000 for construction; and a management and inspection cost of \$755,000, for a total cost of \$9,970,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
JAMES L. WATSON U.S. COURT OF INTERNATIONAL TRADE  
NEW YORK, NY  
PNY-C0282-NV16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to upgrade the façade of the U.S. Court of International Trade at the James L. Watson Court of International Trade (CIT) building located in the 26 Federal Plaza Complex in New York, NY, at a cost not to exceed \$569,000 for design; \$3,682,000 for construction; and a management and inspection cost of \$1,285,000, for a total cost of \$5,536,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OH  
POH-0028-CN16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to modernize the elevator systems at the Potter Stewart U.S. Courthouse, located at 100 E. 5<sup>th</sup> Street, Cincinnati, OH, at a cost not to exceed \$735,000 for design; \$6,723,000 for construction; and a management and inspection cost of \$643,000, for a total cost of \$8,101,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
911 FEDERAL BUILDING  
PORTLAND, OREGON  
POR-0033-PO16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to upgrade the electrical system at the 911 federal Building located at 911 NE 11<sup>th</sup> Avenue, Portland, Oregon, at a cost not to exceed \$683,000 for design; \$6,083,000 for construction; and a management and inspection cost of \$673,000, for a total cost of \$7,439,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
WALLACE F. BENNETT FEDERAL BUILDING  
SALT LAKE CITY, UT  
PUT-0032-SA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to understate multiple system upgrades and to reconfigure and renovate existing space at the Wallace F. Bennett Federal Building located at 125 S. State St., Salt Lake City, UT, at a cost not to exceed \$620,000 for design; \$6,538,000 for construction; and a management and inspection cost of \$600,000, for a total cost of \$7,758,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**DESIGN  
ROBERT C. WEAVER FEDERAL BUILDING  
WASHINGTON, DC  
PDS-02016**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the design of a project to renovate the interior space and make related system upgrades to the Robert C. Weaver Federal Building in Washington, DC, at a design cost not to exceed \$15,800,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ACQUISITION  
AMERICAN RED CROSS BUILDING PURCHASE  
WASHINGTON, DC  
PDC-DCRC-WA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the acquisition of the American Red Cross Building located at 2025 E Street NW, Washington, DC, with General Services Administration appropriations for such acquisition not to exceed \$160,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016



**COMMITTEE RESOLUTION**

**CONSTRUCTION  
NEW U.S COURTHOUSE ANNEX  
ALTERATION – JAMES M. ASHLEY AND  
THOMAS W.L. ASHLEY U.S. COURTHOUSE  
TOLEDO, OHIO  
POH-CTC-TO16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the design and construction of an annex of approximately 96,000 gross square feet, including approximately 20 inside parking spaces, and repair and alteration of the James M. Ashley and Thomas W.L. Ashley U.S. Courthouse at 1716 Spielbusch Avenue in Toledo, Ohio, for a total of \$97,784,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**CONSTRUCTION  
NEW U.S COURTHOUSE ANNEX  
ALTERATION – CHARLES R. JONAS COURTHOUSE  
CHARLOTTE, NORTH CAROLINA  
PNC-CTC-CH16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the design and construction of an annex of approximately 198,000 gross square feet, including approximately 83 parking spaces, and repair, along with alteration of the Charles R. Jonas Courthouse at 401 West Trade Street in Charlotte, North Carolina, for a total of \$156,160,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**CONSTRUCTION  
NEW U.S COURTHOUSE  
GREENVILLE, SOUTH CAROLINA  
PSC-CTC-GR16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the design and construction of a new U.S. Courthouse of approximately 193,000 gross square feet, including approximately 70 inside parking spaces, in Greenville, South Carolina, for a total of \$93,999,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**CONSTRUCTION  
NEW U.S. COURTHOUSE  
SAN ANTONIO, TEXAS  
PTX-CTC-SA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the design and construction of a new U.S. Courthouse of approximately 305,000 gross square feet, including approximately 83 inside parking spaces, in San Antonio, Texas, for a total of \$130,581,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
CONSOLIDATION ACTIVITIES PROGRAM  
VARIOUS BUILDINGS  
PCA-0001-MU17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the reconfiguration and renovation of space within government-owned and leased buildings during Fiscal Year 2017, at a total cost not to exceed \$75,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM  
VARIOUS BUILDINGS  
PEW-0001-MU17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the implementation of energy and water retrofit and conservation measures, as well as high performance energy projects, within government-owned and leased buildings during Fiscal Year 2017, at a total cost not to exceed \$10,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
FIRE PROTECTION AND LIFE SAFETY PROGRAM  
VARIOUS BUILDINGS  
PFP-0001-MU17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for alterations to upgrade, replace, and improve fire protection systems and life safety features in government-owned buildings during Fiscal Year 2017, at a total cost not to exceed \$20,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
JUDICIARY CAPITAL SECURITY PROGRAM  
VARIOUS BUILDINGS  
PJCS-0001-MU17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for alterations to improve physical security in government-owned buildings occupied by the Judiciary and U.S. Marshals Service during Fiscal Year 2017 in lieu of future construction of new facilities, at a total cost not to exceed \$26,700,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016



**COMMITTEE RESOLUTION**

**ALTERATION  
MINTON-CAPEHART FEDERAL BUILDING  
INDIANAPOLIS, INDIANA  
PIN-0133-IN17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the structural and related system upgrades of the parking garage at the Minton-Capehart Federal Building, located at 575 North Pennsylvania Street, Indianapolis, Indiana, at a cost not to exceed \$1,099,000 for design; \$8,807,000 for construction; and a management and inspection cost of \$878,000, for a total cost of \$10,784,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
F. EDWARD HEBERT FEDERAL BUILDING  
NEW ORLEANS, LOUISIANA  
PLA-0034-NO17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the replacement of aging building systems and significant interior improvements at the F. Edward Hebert Federal Building located at 600 S. Maestri Place, New Orleans, Louisiana at a cost not to exceed \$5,740,000 for design; \$55,606,000 for construction; and a management and inspection cost of \$5,262,000, for a total cost of \$66,608,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

ALTERATION  
JOHN F. KENNEDY FEDERAL BUILDING  
BOSTON, MASSACHUSETTS  
PMA-0131-BN17

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for replacement of the deficient roof, outdated chiller, and ventilation air duct systems and upgrade of the lighting controls systems at the John F. Kennedy Federal Building (JFK) located at 15 New Sudbury Street, Boston, Massachusetts, at a cost not to exceed \$3,207,000 for design, \$34,202,000 for construction, and a management and inspection cost of \$2,864,000, for a total cost of \$40,273,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

ALTERATION  
985 MICHIGAN AVENUE  
DETROIT, MICHIGAN  
PMI-0800-DE17

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, an amended prospectus providing for additional design, construction and management and inspection at 985 Michigan Avenue, Detroit, Michigan, at a total cost not to exceed \$14,617,000, a description of which is attached hereto and by reference made part of this resolution, is approved. This prospectus amends PMI-1951-DE15, which was previously approved by this Committee on April 28, 2015.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
PATRICK V. McNAMARA FEDERAL BUILDING GARAGE  
DETROIT, MICHIGAN  
PMI-0133-DE17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the undertaking of critical structural and related system upgrades of the Patrick V. McNamara Federal Building parking garage, located at 477 Michigan Avenue, Detroit, Michigan, at a cost not to exceed \$1,058,000 for design; \$8,822,000 for construction; and a management and inspection cost of \$840,000, for a total cost of \$10,720,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
2306/2312 BANNISTER ROAD FEDERAL BUILDING  
KANSAS CITY, MISSOURI  
PMO-39/35-KC17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations for the modernization of select aging and deteriorating building systems and infrastructure at the 2306/2312 Bannister Road Federal Building, Kansas City, Missouri, at a cost not to exceed \$5,512,000 for design, \$55,887,000 for construction, and a management and inspection cost of \$5,135,000, for a total cost of \$66,534,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
CARL B. STOKES U.S. COURTHOUSE  
CLEVELAND, OHIO  
POH-0301-CL17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to complete, repair and expand the plaza system at the Carl B. Stokes U.S. Courthouse located at 801 W. Superior Avenue, Cleveland, Ohio at a cost not to exceed \$1,513,000 for design; \$12,727,000 for construction; and a management and inspection cost of \$1,284,000, for a total cost of \$15,524,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ALTERATION  
911 FEDERAL BUILDING  
PORTLAND, OREGON  
POR-0033-PO17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to correct seismic and structural deficiencies and reconfigure and alter approximately 33,500 rentable square feet (rsf) of vacant space at the 911 Federal Building located at 911 NE 11<sup>th</sup> Avenue, Portland, Oregon, at a cost not to exceed \$1,800,000 for design; \$19,200,000 for construction; and a management and inspection cost of \$1,500,000, for a total cost of \$22,500,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016



**COMMITTEE RESOLUTION**

**ALTERATION  
WILLIAM J. GREEN, JR. FEDERAL BUILDING  
PHILADELPHIA, PENNSYLVANIA  
PPA-0277-PH17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for Phase II of a two-phased repair and alteration project for the William J. Green, JR. Federal Building located at 600 Arch Street in Philadelphia, Pennsylvania at a cost not to exceed \$48,450,000 for construction; and a management and inspection cost of \$3,850,000, for a total cost of \$52,300,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

ALTERATION  
AUSTIN FINANCE CENTER  
AUSTIN, TEXAS  
PTX-1618-AU17

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the repair and alteration to modernize the existing Austin Finance Center, located 1619 Woodward Street, Austin, Texas, at a cost not to exceed \$2,535,000 for design; \$17,863,000 for construction; and a management and inspection cost of \$2,383,000, for a total cost of \$22,781,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

Adopted: May XX, 2016

**COMMITTEE RESOLUTION**

**DESIGN  
JOSEPH P. ADDABBO FEDERAL BUILDING  
QUEENS, NEW YORK  
PDS-02017**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for design of a repair and alteration project for the Joseph P. Addabbo Federal Building at 155-10 Jamaica Avenue, Queens, New York at a cost not to exceed \$8,500,000 for design, for a total cost of \$8,500,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**CONSTRUCTION  
DEPARTMENT OF HOMELAND SECURITY  
CONSOLIDATION AT ST. ELIZABETHS  
WASHINGTON, DC  
PDC-0002-WA17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the ongoing development of the DHS consolidated headquarters at St. Elizabeth's Campus by continuing design and full construction of a new federal headquarters for FEMA, rehabilitating buildings necessary to accommodate components of the Undersecretary of Management that are currently planned for the Center Building Complex (Holly and Creamery clusters), continuing design of phase 3 construction to house Immigration and Customs Enforcement, ongoing historic preservation activities in support of landscaping and public outreach, and management and inspection funding for these activities, for a total of \$266,604,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**CONSTRUCTION**  
**FBI HEADQUARTERS CONSOLIDATION**  
**NATIONAL CAPITAL REGION**  
**PNCR-FBI-NCRI7**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF**  
**THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the construction of a new federally owned facility to provide a fully consolidated Headquarters for the Federal Bureau of Investigation (FBI) in the National Capital Region (NCR) to bring together employees from the J. Edgar Hoover Building and 13 leased locations across the NCR into a new, modern and secure facility tailored to fully support FBI's national security, intelligence and law enforcement missions, authorizing appropriations for the General Services Administration at an amount not to exceed \$759,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that such appropriations are authorized only for a project that results in a fully consolidated FBI Headquarters facility;

*Provided further*, that the new FBI Headquarters Facility shall contain not greater than 2.1 million rentable square feet;

*Provided further*, that the number of parking spaces for privately owned vehicles shall be determined in accordance with parking ratios developed in coordination with the National Capital Planning Commission; and

*Provided further*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**CONSTRUCTION  
ANIMAL AND PLANT HEALTH INSURANCE SERVICE BUILDING  
PEMBINA, NORTH DAKOTA  
PND-0550-PE17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the acquisition of approximately eight acres of land, along with the design and construction of a new 6,685 gross square foot facility for the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) at the Pembina, North Dakota, U.S. Land Port of Entry (LPOE), at a cost not to exceed an estimated wetland mitigation cost of \$580,000; estimated design cost of \$305,000; estimated construction cost of \$4,611,000; and a management and inspection cost of \$253,000, for a total cost of \$5,749,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

**ACQUISITION AND DESIGN  
FEDERAL OFFICE BUILDING  
BOYERS, PENNSYLVANIA  
PPA-FBC-BO17**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for site acquisition and design for the construction of 462,000 gross square feet of space to provide a long-term housing solution for the Office of Personnel Management, the Social Security Administration and the Department of Defense in the vicinity of Boyers, Pennsylvania at a cost not to exceed a site acquisition cost of \$12,000,000; design cost of \$11,562,000; and a management and inspection cost of \$7,638,000, for a total cost of \$31,200,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016

**COMMITTEE RESOLUTION**

ACQUISITION  
IRS ANNEX BUILDING PURCHASE  
AUSTIN, TEXAS  
PTX-1665-AU17

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF  
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for acquisition of the Internal Revenue Service Annex Building, comprised of 144,101 rentable square feet of space and 179 parking spaces located at 2021 Woodward Street in Austin, Texas at a cost not to exceed a building, site acquisition and total estimated project cost of \$12,756,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

*Provided*, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

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**Chairman**

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**Ranking Member**

**Adopted:** May XX, 2016



*The White House,*

FEB 12 2015

EPW  
PN187

*To the  
Senate of the United States.*

*I nominate* Jane Toshiko Nishida, of Maryland,

to be an Assistant Administrator of the Environmental

Protection Agency, vice Michelle DePass, resigned.

**BARACK OBAMA**

**NOMINATION REFERENCE AND REPORT**

**PN187**

AS IN EXECUTIVE SESSION,  
SENATE OF THE UNITED STATES,  
February 12, 2015.

*Ordered,* That the following nomination be referred to the Committee on Environment and Public Works:

Jane Toshiko Nishida, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency, vice Michelle DePass, resigned.

\_\_\_\_\_, 2015.  
(Date)

Reported by Mr. Inhofe \_\_\_\_\_  
(Signature)

with the recommendation that the nomination be confirmed.

☐ The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

Now, without objection, the legislation and resolutions and nomination are reported favorably to the Committee. Any Committee member wishing to have their vote registered in the negative for an item in that bloc, as long as it doesn't affect the result of the vote, may do so. Simply notify our staff.

I ask unanimous consent that the staff have authority to make technical and conforming changes to the measure approved today.

With that, our meeting is at an end. Thank you.

[Whereupon, at 10:25 a.m. the committee was adjourned.]

