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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The PRESIDENT pro tempore. Today's opening prayer will be offered by Rabbi Yosef Greenberg, founder and spiritual leader of the Lubavitch Jewish Center of Alaska in Anchorage, AK.

The guest Chaplain offered the following prayer:

Almighty God, I invoke Your blessing today on this honorable body, the United States Senate. In these troubling times, when misguided people use religion to commit the greatest crimes against humanity by stabbing and murdering innocent men, women, and children in the Middle East, Europe, Israel, the U.S.A., and all over the world, may You grant, Almighty God, that the Members of this honorable body have the wisdom and courage to embody the universal values of the Seven Commandments which You, Almighty God, issued to Noah and his family after the Great Flood, the foremost of which is not to commit murder. Grant, Almighty God, that the Members of the Senate, who assembled here today, to fulfill one of Your Seven Commandments, the Commandment to govern by just laws, understand that the United States has the ability to lead the entire world and be a role model in spreading and incorporating Your Seven Laws, and in doing so, have the power to bring healing and peace to a struggling and broken world that is facing ongoing terror and violence.

Almighty God, I beseech You today to bless the Senate, in the merit of one of the spiritual giants of our time and our Nation, the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, of saintly blessed memory, who launched the universal campaign to bring the awareness of Your Seven Sacred Laws to all mankind, that we may all see the fulfillment of humanity's great future, as proclaimed by Isaiah, ''nation shall not lift the sword against nation, neither shall they learn war anymore.''

Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. BOOZMAN). The Democratic leader.

Mr. REID. Mr. President, before the leaders speak today, I ask the Chair to recognize the senior Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

WELCOMING THE GUEST CHAPLAIN

Ms. MURKOWSKI. Mr. President, I thank the minority leader, and I rise this morning to thank and to welcome Rabbi Yosef Greenberg from Anchorage, AK, who was introduced by the President pro tempore, the Senator from Utah.

This Senator thinks it is important to appreciate and realize that today there is a little bit of history being made. It is the first time we have had a rabbi from the State of Alaska who has been willing and able to provide the morning prayer before the Senate.

The rabbi has led our State for two decades, beginning in 1991, not only leading a small but vibrant Jewish community across the State but also reminding us of the significance of the Jewish culture, the Jewish history, not only to Alaska but throughout the Nation. He has been instrumental in the building of the Jewish cultural center and a museum that recognizes that history and culture. Every year he is truly a leader in the broader community within Anchorage as he brings together people from all faiths at the Jewish Cultural Gala, which is probably one of our more preeminent social gatherings and which is for a good cause.

The leadership of Rabbi Greenberg is not only strong and recognized within the Jewish community but across all faiths within our very broad and inclusive State of Alaska. It is indeed a pleasure to be able to listen to his words, reflect on his words, and thank him for his leadership in my State.

With that, Mr. President, I yield the floor, and I thank the leaders.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 4168

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 4168) to amend the Small Business Investment Incentive Act of 1980 to require an annual review by the Securities and Exchange Commission of the annual government-business forum on capital formation that is held pursuant to such Act.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

PUBLIC HEALTH ISSUES

Mr. MCCONNELL. Mr. President, as I recently mentioned, Speaker RYAN and I had an opportunity to discuss some important public health issues at the

White House yesterday. One was the Zika virus. We know there is an increasing amount of concern about the spread of this virus and what it could mean for the United States as we head toward warmer summer months.

Given the public concern that followed the first Ebola case in our country, I think we could all benefit from having a better understanding of what preparations are being made to protect Americans. To that end, I have asked Secretary Burwell and her team to come to the Senate to brief relevant committees and leaders in both parties. This briefing will happen next week. I appreciate the Secretary's willingness to meet this request in such a timely manner, and I know the information will be useful to Members and their constituents.

Another public health issue we discussed is the opioid epidemic that continues to have such a profound impact on families and communities across the State I represent and, of course, across the Nation as well.

Despite all of the important steps Kentucky has taken at the State level to address this epidemic, the Commonwealth still suffers from some of the highest drug overdose rates in the country, driven by prescription drug pain killers, heroin, and more recently fentanyl, a synthetic opioid that is more powerful than heroin. Republicans and Democrats are working together to identify bipartisan solutions to this challenge, and I look forward to seeing that collaborative work continue.

ENERGY POLICY MODERNIZATION BILL

Mr. MCCONNELL. Mr. President, we have seen bipartisanship work many times over the past year in this Senate. We have the latest example of it before us right now. The Energy Policy Modernization Act is the result of months of hard work across the aisle. It passed the committee with overwhelming bipartisan support. It is broad bipartisan energy legislation that can help bring our energy policies in line with today's demands, while preparing us for tomorrow's opportunities. It will help Americans produce more energy. It will help Americans pay less for energy. It will help Americans save energy. It will also give us the opportunity to strengthen America's long-term national security.

I thank the chair and ranking member of the Energy Committee for their hard work to develop this bill. I thank them for their hard work managing it on the floor. Thirty-eight amendments have been brought to the floor so far and 32 amendments have been adopted already. Democrats offered some, Republicans offered some, and both parties have seen amendments from their side adopted.

This is a robust, bipartisan energy debate, and it is providing the latest example of a Senate that is back to work for the American people. We are not finished yet, though, not at all. There will be more opportunities for debate and consideration as we move toward the finish line on this important bipartisan legislation. Let's keep working together as we have been. Let's pass another important policy the American people deserve.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

FLINT, MICHIGAN, WATER CRISIS

Mr. REID. Mr. President, I join in commending the managers of this bill that is on the floor, but before we rush off to a congratulatory phase of this legislation, there has to be an opportunity to work something out on Flint, MI, and the tremendous problems they have.

There are 100,000 people today who are afraid to drink the water. Yesterday I had a picture showing the water, the yellow-green color of the water. The water is so impure, so dirty, so nasty that General Motors, which manufactures automobile parts, had to suspend using the water because it was corroding their instruments in their manufacturing facilities. But during that period of time, people were still looking to drink the only water they could.

We have 9,000 children who have been badly affected by lead poisoning. These little boys and girls will never be what they could be because lead poisoning for children is irreversible.

I hope we can work something out on the Stabenow-Peters amendment because it is very important for the people of Michigan and an example of what we need to do to help the country with these problems we have when the Federal Government must step in.

The Governor of Michigan, who preaches about how bad government is, of course looked to us when the problems got so dire in Michigan.

Mr. President, I ask unanimous consent that at the conclusion of my leader remarks the junior Senator from Maine be recognized for 10 minutes, and if he feels it appropriate, I will remain on the floor for him following my remarks so that he could have a colloquy with me.

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

CLEAN ENERGY

Mr. REID. Mr. President, in 1882 Thomas Edison invented the first electricity grid. He, of course, had done electricity before that, but he is virtually responsible for the modern-day electric grid. It was only 4 years later that George Westinghouse improved upon Edison's invention, and he gave us an electric grid that is almost identical to what we have today. That was 1882, and in 2016 we are doing it the same way we did back then. So the grid technology the utility companies rely on today is 130 years old.

America's grid system makes money for utilities by generating electricity at central powerplants and delivering power to customers through power lines. That is because of George Westinghouse and Thomas Edison's programs. Costs for the infrastructure are paid by all customers based on how much power they consume, and the more electricity we use, the more we pay. This utility business model made sense for 130 years. It makes no sense anymore.

Utilities never imagined that families and businesses would be able to generate their own electricity for a price cheaper than the utility powerplants. Utilities never considered that consumers would rather pay to make their homes more efficient than pay for power they don't need and don't want. Utilities didn't expect Americans would grow to believe that reducing climate-changing carbon pollution is a priority—and it is.

The big power companies were wrong. Americans have embraced renewable energy and are investing in it more and more. I see it every time I go home. The roofs of homes and businesses throughout Nevada are dotted with solar panels. One can see them shining on the roofs. These houses, office buildings, and hotels are generating much of their own clean energy. It wasn't that way a decade ago. In 2005, only 7,000 American homes and businesses had their own renewable energy systems. That same year, after we passed the Energy Policy Act—one of its provisions encouraged States to adopt net metering provisions so that Americans would and could install renewable energy systems on their homes and businesses. That means a family with solar panels receives a credit from the utility for the clean power they generate. As a result, 43 States now have net metering. These net metering policies have been an incredible success. Today more than 500,000 American families and businesses have their own renewable energy system.

Less than 11 years ago, there were 7,000 solar installations in homes and businesses, today more than half a million. That is a 7,000-percent increase over 11 years ago. Producing cleaner energy at home is mainstream today. Yet, in spite of all of this progress, there are those who want to turn back time and take away Americans opportunity to generate their own clean, affordable energy.

Why are they doing this? Because they don't want competition from families and businesses. They want to work the way they have for 130 years. The Koch brothers and the fossil fuel pals have attacked our blossoming energy industry, the clean energy industry, at every turn. Any time we try to do something, they move in. They have

done it in State legislatures all over the country. They are doing it today on this amendment that Senator KING and I have worked on.

They have turned loose their minions—their anti-consumer minions—and they are now out working, being paid to do whatever they can to defeat whatever we are trying to accomplish. Utilities have joined with the Koch brothers. Utilities are cheerleading this anti-competitive measure that will cost families more money and take away their opportunity to generate clean energy at home.

In Nevada, our utility proposed—and I say ''utility'' because basically 95 percent of all electricity in Nevada is owned by one company. This big utility proposed, and regulators recently agreed to slash, the value of rooftop solar for customers and imposed those changes retroactively. Can you imagine that? Contracts that had been let, they suddenly said: Well, too bad. We are going to retroactively punch you economically. The entire episode was detailed in a recent edition of the New York Times. ''Nevada's Solar Bait-and-Switch.''

This could apply to Arizona. They are trying do the same thing there and other places in the country. I am not going to read the whole column, but I am going to read a few things:

> In late December, the state's Public Utilities Commission, which regulates Nevada's energy market, announced a rate change drastic enough to kill Nevada's booming rooftop solar market and drive providers out of the state. Effective Jan. 1, the new tariffs will gradually increase until they triple monthly fees that solar users pay to use the electric grid and cut by three-quarters—
>
> Seventy-five percent—
>
> users' reimbursements for feeding electricity into [the grid].

They already have a contract. That does not matter. The column goes on to say:

> More startlingly, the commission made its decision retroactive. That means that the 17,000 Nevada residents who were lured into solar purchases by state-mandated one-time rebates of up to $23,000 suddenly discovered that they were victims of a bait-and-switch. They made the deals assume that, allowing for inflation, their rates would stay constant over their contracts' 20- to 30-year lifetimes; instead, they face the prospect of paying much more for electricity than if they had never made the change, even though they're generating almost all of their electricity themselves.

That is the power of utilities and Koch brother-like operations that are doing this. The Koch brothers are doing it through a number of billions of dollars that they have invested in controlling America through an organization called ALEC, which is a phony front to work in State legislatures.

The utility in Nevada retroactively tore up the agreements that were made with families and businesses that generate their own clean energy, as indicated in this New York Times column. Because of what the utility did, at least three companies have left Nevada, and tens of thousands of families and businesses fear that their power bills will unexpectedly skyrocket because of the changes, and thousands and thousands of Nevadans have lost their jobs—not hundreds, thousands. No one knows the exact number but nearing 10,000.

We should not be pulling the plug on clean energy at a time when more and more Americans are making it work. We should encourage independence. Competition is putting more clean power on our electric grid. We should support this growing solar industry, which is creating jobs. Solar alone created over 35,000 new jobs in 2015, a 20-percent growth rate. With what we did in the omnibus and the tax extenders at the end of the year, it is estimated that in the next 10 years there will be about 350,000 jobs in the solar industry.

That is why Senator KING and I have worked on amendment No. 3120, which would protect residential solar energy customers from the abuse that we have just talked about here and as outlined in the New York Times.

This amendment is good for consumers in Nevada and across the country. It will safeguard people who want to generate their own clean energy from retroactive rule changes that could devastate their finances. Unfortunately, monopoly utilities and ideological groups funded by the Koch brothers are working hard to defeat any protections for Americans who generate their own clean energy. Remember, the Koch brothers use their money in a lot of different ways, not the least of which is in the fossil fuel business.

These anti-competitive individuals are fighting our efforts to protect families and businesses from having their contracts torn up and having their bills skyrocket. My friend, the Senator from Maine is on the floor with me. I appreciate his advocacy. He has been at the forefront of this issue, a person who has extensive experience in this whole field, having been a Governor of the State of Maine when the power system there began to change.

He is the sponsor of this amendment. I have joined with him on this amendment. He has been an unwavering advocate for solar energy customers. I hope our colleagues will follow his example and stand for consumers and support each American's choice to install clean energy on their homes and protect them from retroactive rate hikes and abusive fees.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein and with the time equally divided, with the Democrats controlling the first half.

The Senator from Maine.

SOLAR ENERGY

Mr. KING. Mr. President, the Democratic leader has just outlined the issue that is before us today. I want to put it into some context. The first thing I want to say is that what we are talking about today is the most fundamental of American economic principles—free-market competition. Free-market competition is what we are talking about here.

Now, as the Democratic leader outlined, for 135 years, our electrical system worked basically in the same way that it works today. It has worked because of central powerplants, wires, distribution and transmission systems, and homes. Homes and businesses and offices were the passive receptors of electricity. The utilities have done a wonderful job. I have worked with them over the years. They have done a complex job where the power has to be there when the switch is thrown. They have done a terrific job of serving the American public, but what the American public wants is not necessarily electricity itself, it wants what electricity can do.

A friend of mine once said, for example, that in this country every year, 5 million people buy quarter-inch drills, but nobody wants quarter-inch drills. What they want are holes. What the American people want are microwaves and televisions and computers and electricity and hot water in their homes. How that power comes is really not what they are concerned with, but they do want options.

A revolution has occurred. Without a doubt this system served us well for 130 years, but a revolution has occurred in the last 25 years. This chart dramatically shows what has happened. This is the price of a watt of solar energy. In the 1970s it was $76. Today it is 36 cents. This is revolutionary. This is disruptive. This is change. What this has enabled is for us to now tap into that very large, fully permitted nuclear fusion device in the sky that delivers power wirelessly to every city, town, village and hamlet on Earth.

That is what we are talking about. Why is this important? For a number of reasons. If you combine the cheaper solar power with smart appliances that can use their power only when it is the most efficacious for the grid—smart meters that many of our grids now have, demand response that allows customers to diminish their demand at times of high demand on the grid, and new storage technologies, if you add all of those together, it is an entirely new world of electricity development. This is where we are today.

We still have central powerplants. We still have wires, but we have homes and businesses making their own electricity and storing their own electricity from that big nuclear fusion

plant up in the sky. This is a good development. No. 1, it empowers consumers. It empowers families.

Mr. REID. Will the Senator yield for a question?

It is also true, is it not, as we speak, that there is tremendous work being done on battery storage. That will change it even more; is that right?

Mr. KING. That is absolutely correct. That I will touch on in a moment. That potentially changes the relationship with utilities and with the grid system. This is a good thing. This provides competition. Our whole system is based upon competition. Everybody here talks about the power of the market. That is what we are talking about here.

It strengthens the grid by making it more resilient because power is going in two directions. We had a huge ice storm in Maine in 1998. The power went off. Everybody lost their power—600,000 people. The people who had generators in their homes could make their own power, but those were very few people. Now we are talking about a grid that is not wholly dependent upon a central powerplant but power goes in both directions.

I am on the Intelligence and Armed Services Committees. This is a national security issue. One of the great vulnerabilities of this country is a cyber attack on critical infrastructure. To the extent this infrastructure is self-healing and distributed, it is less subject to a catastrophic attack.

It saves money because it saves money on distribution and powerplants if people are making their own investments and you don't not need the level of transmission and distribution wires. Of course it could substantially reduce our dependency upon fossil fuels. There are two possible reactions to this from the utility companies. One is to adopt, adjust, and reinvent themselves, as companies have done. I remember New England Tel. New England Tel is now Verizon. If they were still focused exclusively on landlines with the old black telephones, they would be long gone. Instead, they reinvented themselves because of a change of technology, and now they are one of the Nation's leading wireless providers. AT&T used to be Ma Bell. Now it is a leading wireless provider because they adapted, and they changed their whole business model based upon new economic realities. That is one option.

There are utilities in the country that are adopting that option; that are finding new business models, relationships with their customers, in order to participate in this system and be counselors and energy providers and consultants to their customers in this new world. On the other hand, they can fight, resist, and try to delay. That is what we are talking about here today. That is what has happened in Nevada, imposing high fixed fees that ostensibly are to recover the costs, but everybody knows the real purpose is to strangle this industry in its infancy.

I think those companies should think about the examples of Packard, Kodak, and Polaroid that failed to adapt, that failed to take account of new technological realities and ultimately failed. I don't think that is the future these companies want. This amendment is not a Federal takeover of State utility regulations. It provides guidance. It uses the term ''take into account.'' All it says is that if you are going to change a net metering regime, or if you are going to impose fees, they have to be based upon data and analysis, not arbitrary fees that are designed to strangle the industry. It is not a mandate for net metering or any other kind of payment. Again, what we are trying to do is to make sure that the benefits to the grid from a home installation—whether it is demand, response, storage, whatever—are measured as well as the cost.

The issue is very simple. It is fair compensation to the customer for the energy they produce or save and fair compensation to the utility for maintaining the grid.

I know there are costs to the utility for maintaining the grid, and they have to be fairly compensated. But the question is fair. What is the right number? An arbitrary exorbitant fee that essentially makes the development of solar or storage unfeasible is not the right number.

The Democratic leader mentioned storage, and this is really an essential part of the discussion. As storage technology improves, this is where the utilities are most exposed. In my view, utilities are in a race with battery technology in order to determine who is going to provide the backup to the solar, wind, and demand response facilities in the house. Who is going to provide the backup?

If the utilities insist upon high, unreasonable fees, eventually—and I think ''eventually'' is within 5 years; it is not 10 years, 20 years or 30 years—people are going to say: I am going to do my own storage, my own backup in my basement, and cut the wires. Then the utility has lost the customer all together, and I don't think that makes any sense.

The real point is that change is coming anyway. The only question is whether it happens fairly, deliberately, and expeditiously and is fair to the customers as well as the utilities or whether it goes through a long series of individual fights State by State.

Mr. REID. Will the Senator yield for a question?

Mr. KING. I yield to the Democratic leader.

Mr. REID. I am wondering if my friend is aware of a couple of examples. In Nevada there is Tesla and Elon Musk. It is a massive company. He is building batteries for his vehicles and other things.

The Tesla plant I toured a few months ago is under construction. As to the floor plan, the only place in America with a bigger manufacturing facility is the Boeing plant in Washington. That is how huge it is. The man who is running that plant for him indicated to me that they had found that the price, as indicated by the Senator from Maine, was so cheap with solar that it is going to be basically mostly solar, nothing else. Was the Senator aware of that?

Mr. KING. Absolutely, and I think that is what has to be part of the discussion, because if the utilities insist on fighting and trying to overprice their storage, people are just going to say: I am going to buy my own storage, put it in the basement, and cut the wire.

Mr. REID. And remember what he is manufacturing in this huge facility is batteries. So I would think Elon Musk, who has been sending people and cargo into space, is going to come up with an idea to make better batteries.

I would also suggest to my friend that the example of Packard and Kodak were very good examples. But more modern, I read a book a few months ago about Reed Hastings, the owner of Netflix, who had already been successful in another line of work when he went into Netflix. We all remember Blockbuster, where we would go to rent our movies. He went to Blockbuster and he said: I have an idea; here is what I would like to do.

They said: No, that is just a niche business. We are not interested.

Blockbuster is gone, and Netflix is every place. So the same thing is going to happen one way or another to these monopolies that have the power in our States. They should work something out to make sure they are ahead of the curve. Otherwise, they are going to be behind the curve—and fairly quickly.

Would the Senator agree with that?

Mr. KING. I would agree, and that is exactly where I would conclude. I am not anti-utility. I am pro-customer. I am pro-competition. I am pro-free markets. I believe the utilities have a tremendous opportunity here to modify and adapt their business model to maintain their relationship with their customers. But if they do not, then I am afraid that technological changes such as storage are going to overtake them, and they could go the way of Kodak, Blockbuster, and Polaroid. I don't want to see that happen because I think they have a tremendous value to contribute to this discussion.

I conclude by saying that this amendment is really a modest one. It is not a takeover of the regulatory process. It simply urges and advocates that the State public utilities commissions take into account the positive factors of solar as well as the costs in order to reach a fair compensation agreement between utilities and their customers.

This is the future. It is going to happen. The only question is whether it happens efficiently, fairly or by fighting. I would prefer the former option. I think this is an important part of the future of this country, and we have an important role to play in this body.

I urge support for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE LEGAL SYSTEM

Ms. WARREN. Mr. President, across the street at the Supreme Court, four simple words are engraved on the face of the building: ''Equal Justice Under Law.'' That is supposed to be the basic premise of our legal system: that our laws are just and that everyone—no matter how rich, how powerful or how well connected—will be held equally accountable if they break those laws.

But that is not the America we live in. It is not equal justice when a kid gets thrown in jail for stealing a car while a CEO gets a huge raise when his company steals billions. It is not equal justice when someone hooked on opioids gets locked up for buying pills on the street, but banking executives get off scot-free for laundering nearly a $1 billion of drug cartel money.

We have one set of law on the books, but there are really two legal systems. One legal system is for big corporations, for the wealthy and the powerful. In this legal system, government officials fret about unintended consequences if they are too tough. In this legal system, instead of demanding actual punishment for breaking the law, the government regularly accepts token fines and phony promises to do better next time. In this legal system, even after huge companies plead guilty to felonies, law enforcement officials are so timid that they don't even bring charges against individuals who work there. That is one system.

The second system is for everyone else. In this second system, whoever breaks the law can be held accountable. Government enforcement isn't timid here. It is aggressive, and consequences be damned. Just ask the families of Sandra Bland, Freddie Gray, and Michael Brown about how aggressive they are.

In this legal system, the government locks up people for decades, ruining lives over minor drug crimes because that is what the law demands.

Yes, there are two legal systems—one for the rich and powerful and one for everyone else.

Last Friday I released a report about the special legal system for big corporations and their executives. The report is called ''Rigged Justice,'' and it lists 20 examples from last year alone in which the government caught big companies breaking the law—defrauding taxpayers, covering up deadly safety problems, stealing billions from consumers and clients—and then just let them off easy. In most cases the government imposed fines and didn't require any admission of guilt. In the 20 cases I examined, just 1 executive went to jail for a measly 3 months, and that case involved 29 deaths. Most fines were only a tiny fraction of the company's annual profits, and some were structured so that the companies could just write them off as a tax deduction.

It is all part of a rigged game in Washington. Big businesses and powerful donors, with their armies of lobbyists and lawyers, write the rules to protect themselves. And when they don't follow the rules, they work the system to avoid any real responsibility.

How can it be that corporate offenders are repeatedly left off the hook when the vast majority of Americans—Republicans, Democrats, and Independents—want tougher punishment and stronger new laws for corporate crimes?

Well, that is how a rigged system works. Giant companies win no matter what the American people want.

Currently, we can see the rigged game in action. Republican politicians love to say they are tough on crime. They love to talk about personal responsibility and accountability when they are back home in their districts. But when they come to Washington, they are pushing to make it even easier for corporate criminals to escape justice.

This is one example. It starts, actually, with a great idea: reforming the criminal justice sentencing system to help some of the thousands of people who have been locked away for years for low-level offenses. Legislators in both parties have been working for years to slowly build bipartisan momentum for sentencing the reform. This is enormously important—a first step away from a broken system where half of our Federal jails are filled with nonviolent drug offenders. But now, all of a sudden, some Republicans are threatening to block reform unless Congress includes a so-called mens rea amendment to make it much harder for the government to prosecute hundreds of corporate crimes—crimes for everything from wire fraud to mislabeling prescription drugs.

In other words, for these Republicans, the price of helping people unjustly locked up in jail for years will be to make it even harder to lock up a white collar criminal for even a single day.

That is shameful—shameful. It is shameful because we are already way too easy on corporate lawbreakers.

And that is not all. Tomorrow the House will be voting on another Republican bill. This one would make it much harder to investigate and prosecute bank fraud. Yes, you heard that right. Tomorrow the House will be voting on a Republican bill to make it much harder to investigate and prosecute bank fraud.

When the bankers triggered the savings and loan crisis in the late 1980s, more than 1,000 of them were convicted of crimes and many got serious jail time. Boy, bankers learned their lesson. Now the lesson was not ''Don't break the law.'' The lesson they learned was ''Get Washington on your side.'' And it worked.

After systemic fraud on Wall Street helped spark a financial crisis in 2008 that cost millions of Americans their jobs and their homes, Federal prosecutors didn't put a single Wall Street executive in jail. Spineless regulators extracted a few fines and then just moved on.

But I guess even those fines were just too much for the big banks and their fancy executives. So now they have gotten their buddies in Congress to line up behind a bill that would gut one of their main laws, called FIRREA, which the Justice Department used to impose those fines.

It has been 7 years since the financial crisis. A lot of people in Washington may want to forget, but the American people have long memories. They remember how corporate fraud caused millions of families to lose their homes, their jobs, and their pensions. They also remember who made out like bandits, and they didn't send us here to help out the bandits.

The American people expect better from us. They expect us to straighten out our criminal justice system and reform drug enforcement practices that do nothing but destroy lives and communities. They expect us to stand against unjustified violence. But they also expect us to protect the financial system and to hold Wall Street executives accountable when they break the law. They expect us to hold big companies accountable when they steal billions of dollars from taxpayers, when they rip off students, veterans, retirees or single moms; or when they cover up health or safety problems, and people get sick, people get hurt or people die because of it.

The American people know that we have two legal systems, but they expect us to fix it. They expect us to stand for justice. They expect us to once again honor the simple notion that, in America, nobody is above the law. And anyone in Congress who thinks they can simply talk tough on crime and then vote to make it harder to crack down on corporate criminals, hear this: I promise you—I promise you, the American people are watching, and they will remember.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Michigan.

FLINT, MICHIGAN, WATER CRISIS

Ms. STABENOW. Mr. President, I rise today to speak about an urgent and truly tragic situation in Flint, MI, and ask my colleagues in the Senate to look very hard at what has happened here and to help us address this issue.

This is a public health emergency on a massive scale. It is unprecedented. I don't know of any other American city where families in the entire city—in the entire city—can't drink their water, can't cook with their water, can't bathe their children with the water.

We need to be very clear. This morning, as every other morning now going on 2 years, people in Flint took showers by pouring bottled water over their

heads. They didn't have the dignity of clean water coming out of their taps. They had to use bottled water to drink, to make breakfast for their children, to make a pot of coffee—the things we all use water for and the things that all of us take for granted every single day. They will not have clean water until the pipes get replaced.

Up until now, we have had what we thought was a good series of negotiations. We thought we had an agreement. I have been very hopeful about the bipartisan discussions to help these families, and we have been incredibly flexible, Senator PETERS and I. We just want to get this done. We are not interested in the politics or making this partisan. We want to get something done for the people of Flint.

We understand that money doesn't grow on trees. Senator PETERS and I are willing in fact to support a proposal that was less than half of what we originally requested in order to be able to immediately get some help to the families of Flint. Now, we can't even get agreement on that because we are hearing procedural excuses—procedural excuses that are overcome every single day on this Senate floor when we want to. Lord knows, there were a whole bunch on the Transportation bill, all of which were waived because people wanted to fix the roads. I am left wondering what is going on. What is really going on here?

I am asking that we come together and understand that this is a serious, urgent issue and that we not accept procedural excuses. It is an urgent, severe, outrageous crisis, and we need to act now.

When we look at what has been said on the Senate floor, it is very concerning to me. One Senator yesterday said we are putting the cart before the horse by asking for money even before the government knew what this was going to cost. But, in fact, the Governor in writing requested from the President $766 million to replace the pipes in Flint and another $41 million in protective measures. So we are working within the numbers that the Governor of Michigan has identified and requested. While we truly don't know the full cost until work begins, as with any project, we need to begin to get this done immediately.

I think what is most important is for us to focus on what is happening to the children and families. No lead level is safe, and I have to say I know a lot more about lead than I have ever known before. Frankly, hearing about the damage done to children and what can happen to individuals is really frightening. We should all be doing everything we can to make sure we address this lead issue across the board.

The threshold set by the EPA and the Center for Disease Control is 15 parts per billion of exposure. The water filters that FEMA has provided to families in Flint are certified to protect lead up to 150 parts per billion. In many places, when they are provided and used correctly, that is making a real difference. But, unfortunately, we look at the severity of this. Last week, a new round of tests showed that lead in some homes in Flint range from 153 parts up to 4,000 parts per billion. If they are saying 15 parts per billion is when we need to be worried, I can't even fathom 4,000 parts.

We are all looking at all the different numbers, but I heard one commentator in the news say that the exposure to children and families in those particular homes is actually higher than a toxic waste dump. And this is after the city switched back to the Detroit water system because of the damage that was done to the pipes. So this is severe and urgent. We have to act now.

Unfortunately, the same Senator also suggested we are putting the cart before the horse because this was a local issue. Come on. I am really glad that the people of the great State of Michigan didn't have that attitude when a fertilizer plant in West Texas exploded and we spent millions of dollars in Federal funding on that town. That was also a manmade disaster where safety procedures were lax. We all saw the horror of that situation, and we stepped in as Americans to support that community and those families. That is all we are asking. When floods hit South Carolina and Texas last year, we came together with $300 million put in an omnibus for South Carolina and Texas for floods. And just last week, the same Member of the Republican leadership asked President Obama to grant a disaster declaration and funneled millions of dollars to his State.

We all know we have challenges in our States, and we need to be thoughtful. But we need to be supporting Americans around the country. This is a disaster. This is a situation where we need to show that we care about a group of people who did nothing. They did nothing, and they are in a situation where their entire water system is unusable. We should be lending a hand.

Right now, we have up to 9,000 children under the age of 6 in Flint—9,000 children—who are exposed to lead.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. I appreciate that I am running out of time. I will close. I will be back a lot today. I would just indicate to the President and to others that we want this fixed. We have been working in good faith. We thought we had an agreement working within the framework given to us by the Republicans working on this issue. We are not going to let procedural issues that are fixed every single day in the Senate get in the way of what is happening. I am not going to tell families, I am not going to tell children, I am not going to tell moms in Flint ''Sorry, we can't help you'' because of some bureaucratic procedural issue that folks don't want to fix when they fix them every single day.

I yield the floor, and I will be back.

The PRESIDING OFFICER. The Senator from Wyoming.

ENERGY POLICY MODERNIZATION BILL

Mr. BARRASSO. Mr. President, for the past week the Senate has been debating the way that America produces and uses our energy. We have talked about how these issues affect our economy, how they affect our communities, and how they affect the world—the world that we hope to leave to our children.

As Senators have come to the floor and offered their ideas, I have tried to keep one basic idea in mind, and that idea is that we want to make energy as clean as we can, as fast as we can, as long as it doesn't raise costs on American families. I think that is the goal of many Members of the Senate with regard to this bipartisan legislation.

I want to talk today about two bipartisan ideas—ideas that some of us have offered to make this legislation even better. One of the first amendments the Senate took up on this bill was an amendment I offered, along with Senator SCHATZ, that passed by voice vote. He is a Democrat, I am a Republican, and it is something that both of us think is a very good idea.

This amendment creates a prize system to encourage new technologies that could remove carbon dioxide from the atmosphere and permanently sequester it. A lot of the Members of this body talk about reducing carbon dioxide in the atmosphere. Some of them want to reduce this by cutting the amount of emissions of carbon dioxide; some want to do it with a carbon tax; and some others want to do it by banning some of the energy sources that we need today to power our economy. The problem with that approach is that it severally reduces how much energy we as Americans can use, and it raises the cost of energies on hardworking families.

We just got the new economic numbers that are out in terms of economic growth in America for the last quarter of last year—0.7 percent. That is the last quarter of 2015. That is nowhere near the growth that we need in this country for a healthy economy. It is nothing.

Cutting back on the types of energy resources Americans can use by some of these proposals or by making energy much more expensive is not going to help our economy grow as we need it to in terms of having a healthy, strong economy.

The amendment that Senator SCHATZ and I have introduced looks at this issue from a very different direction. It looks at the carbon that is already in the atmosphere. The amendment says we should be looking much more at finding a way to remove some of that carbon dioxide. To get that done, America needs to invest more in developing new technology that can accomplish it, not just through more spending or more government research but by setting up a series of prizes for different technical breakthroughs. By doing that, we can turn to ingenuity

and to innovation to solve the problem. That includes the private sector, universities, and even just someone out tinkering in their garage and coming up with a great idea.

Prizes like this are not a new idea. Back in 1714 the British Government offered a big prize for the first person to invent a better way for measuring longitude. It was a clockmaker whose name was John Harrison. He won the prize, and his idea transformed the way that we sail the seas.

In 1927 Charles Lindbergh flew nonstop from New York to Paris. This helped create the new modern aviation industry. He took the flight to win a $25,000 prize-sponsored by a New York hotel owner.

The prize created by this amendment—and there is more than one. There are several prizes. The prizes created by this amendment are meant to encourage that kind of new thinking, that kind of bold action. So that is one of the amendments, one of the bipartisan ideas.

Another amendment and idea that we have talked about, which is again bipartisan, is an amendment we voted on yesterday, amendment No. 3030. This was an idea that had bipartisan support. My lead cosponsor was my friend from North Dakota, Senator HEITKAMP. This amendment would have expedited the permit process for natural gas gathering lines on Federal lands, on Indian lands. Gathering lines are pipelines that collect unprocessed gas from oil and gas wells and then ship it to a processing plant. At the plant, the different kind of gases—methane, propane—are separated from one another. Then they are shipped out again by other pipelines to locations where they can be sold and used by people to power our country, to power our economy. That is what the producers want to do. The problem is, we don't have enough of these gathering lines to gather up this gas and send it to the processing plants. So a lot of times there is only one option, and that is to flare or vent the excess natural gas at the well. If there were more gathering lines, then we would have a lot less waste.

You don't have to take my word for it. Last month, the Obama administration proposed a new rule that restricts this kind of flaring of oil and gas operations on Federal land and on Indian land. In that rule, the administration admitted that the main way to avoid flaring ''is to capture, transport, and process'' that gas for sale, using the same technologies that are used for natural gas wells. It makes sense. The administration said that the rate of energy production in some of the areas outpaces the rate of development of this infrastructure to capture the gas. The administration said the production had overwhelmed the capacity of the gathering lines, and Senator HEITKAMP and I were talking about ways to deal with the problem. Even though the administration seems to recognize and give voice to the problem, its proposed rule doesn't actually address the problem or provide a solution, and Senator HEITKAMP and I have a solution.

The rule doesn't do anything to speed up the permit process for natural gas gathering pipelines. The President ignores that component. Whether you agree with this new rule or you disagree with it, the only practical way to reduce the venting or the flaring of natural gas is to build more of these gathering lines. The rule will not work without them.

If we don't build the infrastructure to solve the problem, the administration's rule will end up pushing oil and gas production off of Federal lands, off of Indian land, and this is completely unacceptable. It is unworkable.

The Obama administration says this type of gas venting and flaring is bad for the environment. They say the government is losing royalty money because the gas isn't being sold. I agree. That is why the bipartisan amendment Senator HEITKAMP and I sponsored would solve both of these problems at once. Even though we weren't able to get that amendment adopted yesterday, this is an idea that all Republicans and Democrats should be able to support. It would help Americans get the energy we need and do it in a cleaner way and at a lower cost. That is the goal.

I know Senators on both sides of the aisle are going to keep talking about this idea, and we are going to keep trying to get it enacted into law. These are just two commonsense, bipartisan ideas Republicans and Democrats have offered to solve the energy challenges America is facing.

In my home State of Wyoming, people know we need to balance a strong economy and a healthy environment. They are in favor of using our natural resources responsibly. Part of that is remembering that these are resources and resources should be and can be used.

We should also recognize that the important resource we have in this country is American ingenuity. We should be investing in it. We should be cutting through the redtape that holds back innovation. Abraham Lincoln once said that when we face new and difficult challenges, we must think anew, and we must act anew. Lincoln knew the importance of setting a big goal, of unleashing the ingenuity of the American people to get it done. He had the vision for the transcontinental railroad. He also signed the original charter for the National Academy of Sciences. We must think anew; we must act anew.

It is not enough for environmental extremists to say that the resources have to stay in the ground. That is not realistic. That is not responsible. America can do better, and the American people are ready to be part of this solution. They are ready to make energy as clean as we can, as fast as we can, without raising costs on American families. They need us to help show the way. With this kind of bipartisan solution I have been talking about today, I think we can take a step toward reaching that goal.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

TRIBUTE TO ZIPPY DUVALL

Mr. ISAKSON. Mr. President, first of all, I am privileged and honored to commend Zippy Duvall, a great Georgian who just a few weeks ago was elected, in the 97th year of the American Farm Bureau, as its 12th president. Zippy has been the president of the Georgia Farm Bureau since 2006. He has been a leader in our State for decades, and I am so proud he will now represent agriculture throughout our country. He himself is a cattleman. He raises hay. He raises broilers. He has run the Farm Bureau and been a great advocate for agriculture and farming in our State.

He and his wife Bonnie have four children and three grandchildren. He serves on the Farmers Bank board. He serves as the president of the Georgia Farm Bureau. He serves on the local electric membership corporation board. He serves on the soil and water conservation board. He is a total public servant, and he is an outstanding advocate for agriculture and an outstanding representative of our State.

The best example of Zippy Duvall that I know is, if you ride through South Georgia—the heart of agriculture country in my State—and you look at all the bumper stickers on all the pickup trucks, you will see a unique bumper sticker—not mine, not a Member of Congress's, not the Governor's, but a bumper sticker that says very simply ''Ditch the Rule.'' Zippy Duvall was one of the leaders in our country who took on the EPA to stop from going into place the waters of the U.S.A. regulations that would hurt agriculture so desperately in our State. That bumper sticker became a slogan for agriculture all over the country, and farmers worked together to advocate on behalf of better agriculture without an overly oppressive EPA effect.

I am proud to come to the floor today and recognize a member of my State, a great farmer in Georgia, and a great citizen of our country. He will be the 12th president of the American Farm Bureau, and he will be the best president of the American Farm Bureau. I commend him and his family for all their sacrifice and effort. I wish him the very best of luck in his endeavors as president of the American Farm Bureau Federation.

75TH ANNIVERSARY OF USO

Mr. ISAKSON. Mr. President, I rise to recognize another organization that is meaningful to all of us and in particular the Presiding Officer. It is called the USO—the United Service Organization—a private organization

chartered federally in 1941 by Franklin Delano Roosevelt and the Congress of the United States.

America was on the verge of world war, and the President knew it. We had fragmented volunteer organizations to serve our troops but no organization to really give them the services they needed. The Congress passed a resolution creating and chartering the USO, consolidating those organizations into one. Since that charter 75 years ago, that organization has served over 10 million American soldiers in uniform from the time they put it on until the time they take it off.

One need only go to their local airport, which, for me, is the Hartsfield International Airport in Atlanta. Last year 100 million passengers went through that airport. Many of them were soldiers, a lot of them on the way to deployment in Afghanistan or the Middle East. When they go through the Atlanta airport, the first thing they see is the USO booth, and the first thing they get is services from the USO to help them in their trip, their endeavors, and help them with their families. The USO provides invaluable help to the men and women who provide all of us the security we relish in this great Nation of ours called the United States of America.

On this 75th anniversary of the USO, I commend the volunteers—900 of them in Georgia—who provide services to 150,000 Georgia soldiers a year, for all they do on behalf of our country and on behalf of our services. The USO is a great organization for a great country, serving the greatest of all military in the United States of America and throughout the world.

I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ENERGY POLICY MODERNIZATION BILL

Mr. LANKFORD. Mr. President, I have two different amendments that are coming to the floor. One deals with the Energy bill. One of them deals with the Land and Water Conservation Fund. This bill does a permanent extension of the Land and Water Conservation Fund. My question on that has been this: The money that is being allocated for the Land and Water Conservation Fund to be able to purchase properties—are we also allocating money to be able to actually maintain those properties?

Currently, in the current existence of this bill, there is some money allocated to it in some future way, but I have a simple request: As much money as we allocate to dealing with purchasing new properties, we should also focus in on maintaining what we already have because we have billions of dollars in maintenance backlog. Right now one of the worst conservation things that can happen in many parts of the country to land is actually put it into Federal trusts because it is not being taken care of once it actually goes into the Federal trust.

But that is not the prime issue I want to talk about right now. Oklahoma is truly an ''all of the above'' energy State. Oil, gas, coal, wind, geothermal, hydroelectric, solar—we actually use all of those platforms in a very diverse energy economy. A tremendous amount of wind energy is produced in Oklahoma, used in Oklahoma, and exported to other States around us. It is a very important energy source for us. It has been incredibly beneficial, and it is an important part of our portfolio of a diverse energy platform.

We have a challenge to deal with our tax policy. Just a few weeks ago, this Congress—the House and the Senate—passed a change in the way the wind production tax credit will be handled. As a quick review for this body, the wind production tax credit was put in place in 1992. It was a short-term tax credit to give a little bit of help to a brandnew wind energy and several other diverse energy portfolios, but it was especially targeted at wind to help a brandnew energy source get started.

Twenty-four years later, this temporary tax credit is still sitting there. As of a few weeks ago, it was changed. It was changed so that in 2015 and 2016 the full tax credit will still be there, but starting in 2017 that tax credit will drop to 80 percent of what it is now, in 2018 it will drop to 60 percent, in 2019 it will drop to 40 percent, and in 2020 it is left undefined.

I heard multiple individuals say this is a phaseout of the production tax credit—a phaseout. That is something many of us have pursued for many years—how do we get out of this perpetual cycle? The problem is it wasn't a phaseout, it was a phasedown of the production tax credit because in 2020 the PTC is left undefined. Most people would say that is not a problem. It will just go away. It is left undefined. The problem is 10 times in the past 24 years the production tax credit has been undefined for a future year assuming it would go to zero, and 10 times this Congress has gone back and retroactively put it back into place—10 times. So to say in 2020 we are going to leave it undefined and it will go away is not a true phaseout. That is a phasedown, and it leaves it in the Tax Code.

My amendment is simple. A few weeks ago this body agreed that we would phase out the production tax credit. The best way to do that is to remove that part from the Tax Code in year 2020 and then it would be eliminated and would actually go away.

Why would I encourage that? I would encourage that for several reasons. It provides certainty in the industry. Several individuals I talked to in the industry say they need certainty in their planning. This would help with certainty in planning. It is assumed right now that it goes away in 2020. I would like to make sure everyone understands it really does go away in 2020. It is eliminated from the Tax Code. This is keeping everyone honest based on what they said they wanted to do, and we actually eliminate that production tax credit that year. It provides that great certainty that industry needs to know for their own planning, for their investment, and for outside capital resources and how that money comes in. It is also because these extensions are extremely costly.

The extension that was just done in December by this Congress will cost $17 billion over the window—$17 billion. May I remind everyone that we just had an extended argument over how we were going to fund the Transportation bill last year when we needed to find $13 billion a year to fund transportation, and we just did a production tax credit for wind that is $17 billion.

If we are going to deal with a lot of our national priorities, I am great with having wind in our portfolio, but this is not a new industry that continues to need support and provide the clarity that is needed to make sure we actually end this tax credit when we said we were going to end this tax credit. Let's remove it from the Tax Code in 2020 and make sure it goes away, and the only way it can be renewed at that point is to go through the normal tax process, create a new tax, and actually do it in the full sunlight rather than just say: Well, we are going to do another tiny extension again.

Wind has increased generation dramatically over the past 24 years, and I am glad. It is a good source. In our Nation, since 1992, wind generation has increased 3,000 percent. It is well developed, it is economically stable, it is pulling its own weight in the system, and we should allow it to continue to fly on its own. It is not as if wind goes away if we don't provide a tax credit.

It is interesting to note that in 2014 we faced something very similar to this. In 2014 it was one of those years that the tax credit was to go away and not exist anymore. It had expired. The problem was that at the very end of 2014, Congress did a retroactive renewal of the production tax credit for the year 2014 in the last days of December. So the whole year had gone by without the tax credit, and during the very last days of 2014 Congress once again renewed the production tax credit and did it retroactively. That year, 2014, the wind association noted that there was $12 billion of private investment into wind that year. The tax credit was only applied in the final days.

Wind is a good energy source, but it does not need additional Federal dollars to be able to compete in this market. We have made that decision. Now it is time that we actually both trust

and verify and that we reach out to this last year, when we said as a body that wind energy would not get a production tax credit anymore, and remove it from the tax credit and verify for ourselves that, no, it is not going to happen.

One last thing. I came into this body 5 years ago and served in the House of Representatives. For the 4 years I served in the House of Representatives, I distinctly remember the first year, in 2011, when I sat down with some folks from wind energy and I asked: How much more time do you need for the production tax credit because wind continues to increase its efficiency. They said: It is becoming much more efficient. If we had 3 more years, we could make it. Again, this was in 2011. The discussion was that by doing a phasedown in 2011 they would need just 3 more years and it would go away.

In 2014 I was in a hearing in the House of Representatives, and I asked those same individuals: How much more time do you need for a phasedown and phaseout of the production tax credit? The same person said to me: If I just had 4 more years, we could phase this out. I am concerned, and I believe rightfully so, that in 2019 this body will have lobbyists come into it and say: If we just have a few more years of the PTC extension, we could make it just fine. I would argue they are doing very well as an industry—and I am glad they are. Let's make it clear the PTC ends in 2020 and does not return.

With that, I yield back my time.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from New Mexico.

Mr. UDALL. Mr. President, I ask unanimous consent to speak in morning business for no more than 7 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS MATTHEW MCCLINTOCK

Mr. UDALL. Mr. President, I rise with sorrow and regret to pay tribute to SFC Matthew McClintock. Sergeant McClintock was a native of my home State of New Mexico. He died on January 5 in Helmand Province, Afghanistan, from injuries sustained from small arms fire. He was only 30 years old.

In answering the call to serve—a call he answered fearlessly multiple times—Sergeant McClintock's brief time on this Earth ended far too soon. It is difficult to imagine the grief his family and friends are feeling, but I just want to say to them that the memory of this American hero among those whose lives he touched, among those whose lives he tried to protect, and in a nation's gratitude, his memory will always endure.

Sergeant McClintock served in Iraq and Afghanistan. He joined the Army in 2006 as an infantryman and was assigned to the First Calvary Division in Iraq. He began Army Special Forces training in 2009 and was assigned to the First Special Forces Group. He was deployed to Afghanistan in 2012. He left Active Duty in 2014 and was later assigned to Alpha Company, First Battalion, 19th Special Forces Group of the Washington Army National Guard and was again deployed with his unit to Afghanistan in July of last year. That is the official record, but it does not begin to tell us the day-to-day risks, hardships, and challenges Sergeant McClintock and his fellow soldiers encountered and the remarkable bravery and determination they gave in return.

Our Nation has the finest military on Earth because of the dedication and true grit of Americans like Matthew McClintock. Words cannot take away the pain of those who grieve for Sergeant McClintock. Words cannot fully express the gratitude our Nation owes to this valiant soldier. We can only remember—and must always remember—the sacrifice that SFC Matthew McClintock made in service to our country.

We should not forget or take for granted that our men and women in uniform continue to defend our Nation every day. They put their own safety at risk to protect the safety of others. They stand watch in faraway lands always at the ready.

Today we remember and we grieve that some of them, like Sergeant McClintock, tragically do not come home. His watch is over, but his fellow soldiers and his family now stand it in his place.

President Kennedy said that ''stories of past courage . . . can teach, they can offer hope, they can provide inspiration. But, they cannot supply courage itself. For this, each man must look into his own soul.''

In the face of great danger and great risk to himself, Matthew McClintock went where his country sent him, time and again, and he served with honor and distinction. I am inspired by his courage and the heroic actions of others like him.

MG Bret Daugherty, the commander of the National Guard, spoke for all us when he said:

> Staff Sergeant McClintock was one of the best of the best. He was a Green Beret who sacrificed time away from his loved ones to train for and carry out these dangerous missions. This is a tough loss . . . and a harsh reminder that ensuring freedom is not free.

Sergeant McClintock leaves behind a wife, Alexandra, and a young son, Declan. I hope they will find some comfort now and in the years ahead in Sergeant McClintock's great heart and great courage. He was truly a hero. He loved his country, and he made the ultimate sacrifice defending it.

To his family, please know that we honor Sergeant McClintock's service, we remember his sacrifice, and we mourn your loss.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENERGY POLICY MODERNIZATION ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2012, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 2012) to provide for the modernization of the energy policy of the United States, and for other purposes.

Pending:

> Murkowski amendment No. 2953, in the nature of a substitute.
>
> Murkowski (for Cassidy/Markey) amendment No. 2954 (to amendment No. 2953), to provide for certain increases in, and limitations on, the drawdown and sales of the Strategic Petroleum Reserve.
>
> Murkowski amendment No. 2963 (to amendment No. 2953), to modify a provision relating to bulk-power system reliability impact statements.

BUILDING CONSENSUS

Mr. CORNYN. Mr. President, yesterday the Speaker of the House and the majority leader met at the White House with President Obama. This meeting was the first time that these three leaders sat down together to discuss the Nation's business since the beginning of the new year and to look for some opportunities to advance bipartisan priorities during President Obama's final year in office.

This Senator knows that some might view such a meeting with skepticism and say: What incentive do people have to actually work together when they come from such polar opposite points of view politically and ideologically? But this Senator believes there is an opportunity to build on some of our success that we had in the Senate last year.

While many eyes are focused on Iowa, New Hampshire, South Carolina, and Nevada, I want to assure my constituents and anybody else who happens to be listening, that we actually have been trying to get the people's work done here in the U.S. Congress. Some people might not want to hear that, some might not believe it when they hear it, but I would hope that fair-minded people might look at the evidence and say: Yes, there is actually some important work being done.

In the process, in 2015, we actually—I know this sounds improbable—reduced the role of the Federal Government in education and sent more of

that responsibility back where it belongs to parents, teachers, and local school districts in the States.

We reformed Medicare, which provides important health services to our seniors.

We provided for the long-term stability of our Nation's infrastructure. We passed the first multi-year Transportation bill, I think, in 10 years, after having made about 33 different temporary patches, which is a terribly inefficient way to do business. Where I come from in Texas, since we are a fast growing State—and I expect most States feel the same way—providing for transportation infrastructure is important. It is important to our air quality, to commerce, to our economy, and to public safety.

We also did something that this Senator is proud of: the first Federal effort to provide meaningful support to victims of human trafficking, a bill that passed 99 to 0 in the U.S. Senate. One doesn't get more bipartisan and consensus-building than that.

The way these measures happened, as well as the other work we have done, is by Republicans and Democrats working together. We are stuck with each other whether we like it or not. Republicans can't get things done by themselves. Democrats can't get things done by themselves. The laws can't be passed under our constitutional framework unless both Houses of Congress pass legislation and it is actually signed by the President. We have to work together if we are going to make progress.

A lot of the credit for last year's production in the Senate should be laid at the feet of the majority leader, Senator MCCONNELL, who said that after years of dysfunction where we were stuck in gridlock and nothing seemed to happen—he said: We are going to return to the regular functioning of the Senate. We are going to have committees consider legislation. We are going to have hearings to figure out how to pass good legislation, which is going to be voted on in the committee before it comes to the Senate so that we can see what pieces of legislation have bipartisan support and thus might be able to be passed by the Senate. In the Senate we call this regular order, but all it means is that everybody gets to participate in the process.

It is important to all of us that we be able to offer suggestions, that we be able to debate and offer amendments both in committee and on the floor. It might seem like pretty basic stuff, and people may think that happens as a matter of course. But, unfortunately, it didn't.

In 2014 the Senate had 15 rollcall votes. As the Presiding Officer knows, the Senate was stuck in a ditch and couldn't seem to get out. To give a number to demonstrate how dramatically things have changed in 1 year with the new majority leader, last year we had 200 rollcall votes on amendments. There were 15 in 2014 and 200 in 2015. So we could talk about the substance, but I think those numbers tell part of the story.

So I am glad there is open communication between our Congressional leaders and the President. I hope we can find some ways to get some things done, because, again, no matter whether you are a conservative or a liberal, whether you are a Republican or a Democrat, we actually are not going to be able to get things done unless we find a way to build consensus. That is the way legislation is passed.

We have more work to do this year. So we need to keep our focus not on what is happening in Presidential primaries but on our job here in Congress and continue to try to work in a bipartisan way and deliver for our bosses, namely, the American people.

The bipartisan energy bill we are working on now is a good start to 2016. I congratulate Senator MURKOWSKI, the chair of the energy committee, and Senator CANTWELL, the ranking member, for getting the bill this far. I think part of what demonstrates to me the wisdom of Senator MURKOWSKI in handling this particular bill is that some of the more controversial issues, such as lifting the ban on crude oil exports, were handled separately and dealt with at the end of last year rather than in this bill.

This bill does represent one with broad bipartisan support. Coming from an energy State, as the Presiding Officer does, we understand the importance of energy to our economy. We produce more of it, we use it more efficiently, and, hopefully, it benefits consumers in the process. This bill will update our energy policies so that they reflect the enormous transformation we have observed in our energy sector. I have said it before, and I will say it again: I chuckle to myself when I heard people in the past talking about ''peak oil.'' That was sort of the talk in the oil patch. People said: Well, we have discovered all of the oil there is, and there is no more. So we are now going to be in a period of perpetual decline. We might as well get ready for that.

But thanks to the innovation in the energy sector with things like fracking—which has been around for 70 years but which some people have just discovered, it seems—along with horizontal drilling, what we have seen is this shale oil and gas revolution, which has been a boon to our country and particularly in places such as Texas, North Dakota, and the like.

Now, because of the glut, literally, of oil being produced, natural gas prices are much lower, which actually benefits consumers. If you have looked at the price of a gallon of gas lately, you have seen that gasoline is pretty cheap relative to historic levels.

Another important issue beyond energy that I think we need to deal with this year is to get back to a regular appropriations process. We saw at the end of last year—because our friends across the aisle blocked voting on appropriations bills, including funding our military, which I just found to be incredible and really disgraceful, frankly—that we found ourselves in a position where in order to fund the functions of government, we had to do an Omnibus appropriations bill.

I have said before that you might call it an ''ominous'' appropriations bill. It is an ugly process. It is a terrible way to do business because what it does is it empowers a handful of leaders to negotiate something that Members of the Senate ought to be involved in through the regular process, through voting bills through the Appropriations subcommittees, through the Appropriations Committee, through the floor, where we have transparency in the process and where any Senator who has a good idea can come to the floor and offer an amendment.

That is the way it ought to be done. We need to restore that sort of regular order this year so that each of the 12 separate funding bills can be considered and voted on by the Appropriations Committee and then here on the Senate floor and then matched up with the House bill before it is sent to the President. Again, this is legislation 101, pretty basic stuff.

But unfortunately, the Senate and the Congress have not been operating as they should. That is something that we would like to change. So last year, all 12 appropriations bills were sent out of their respective committees—the first time since 2009 that has happened. But, again, because of the blocking of the legislation, we ended up in a bad situation at the end of the year, where the only thing we could do was pass an Omnibus appropriations bill.

So now we look to the President's budget, which will be sent over here in short order. We will take up that matter up through the Budget Committee, and we will look at the appropriations process ahead of us. I would like to suggest to our Democratic friends that they have a choice to make. They can try to force this Chamber back into the same dysfunction and the same sort of partisan bickering that has characterized it for years when they were in charge or they can decide to work with us—as we would like to do—to move forward principled legislation, including appropriations bills, in a transparent, open process that allows every Senator—Republicans and Democrats alike—a chance to participate and allows our constituents to watch, as they go across the floor, and to ask the appropriate questions, to raise concerns if they have those concerns.

That is the way our democracy is supposed to work. Passing massive stopgap funding bills is not doing the best for the people we represent. It can be avoided, but it is going to take a little bit of cooperation. But I have to think that whether you are in the majority or the minority, most Senators like to work in a Senate that actually functions according to regular order, because, as the Presiding Officer

knows, even being in the majority does not mean we have a chance to vote on amendments to legislation.

Indeed, for a period of time, his predecessor did not even have a chance to vote on an amendment—a rollcall vote on an amendment—nevertheless being in the majority party at the time. That is not the way this body is supposed to function. That is not doing our best to serve the interests of the people we represent. So we have a choice to make. I hope we choose the higher ground and perhaps listen to the better angels of our nature rather than the other one on our shoulder to whom we should not pay attention.

I yield the floor.

Mr. MERKLEY. Mr. President, I rise to address several amendments that I hope we will have an opportunity to vote on before this bill is completed.

The first amendment is amendment No. 3131, research and development for secondary use and innovative recycling research of electric vehicle batteries.

Electric vehicles, as folks generally understand, run almost entirely on lithium ion batteries, which are commonly considered to have reached the end of their useful life when the capacity diminishes by 20 to 30 percent. The range of the vehicle diminishes in a corresponding fashion. At that point, it is time for a new set of batteries. But the battery still has a lot of useful life. It still has 70 to 80 percent of its original capacity. So it has the capacity to be utilized in many other potential roles, including, possibly, stationary electric storage.

This amendment instructs the Department of Energy to conduct research on possible uses of a vehicle battery after its use in a vehicle, to assess the potential for markets for those batteries, to develop an understanding of the barriers for the development of those markets, and to identify the full range of potential uses.

That would be very useful to diminish the flow of potential batteries into recycling, to get the most out of the investment we have made in them, and also to diminish the cost of batteries, because the residual use means that they have residual value, and the overall initial cost would reflect that. So that is an important research goal. It is clearly one of the strategies to enhance our activity from a fossil fuel industry to the utilization of more clean, renewable electricity.

Second, I want to turn to amendment No. 3178, the Federal fleet amendment. The General Services Administration currently procures about 70,000 vehicles a year for various agencies. The total inventory of the Federal fleet is now almost 700,000 vehicles. These Federal vehicles are used for a wide range of purposes, some of which may well be appropriate for electric vehicles and others that may not be.

But in order to consider the applied role, the General Services Administration needs data on vehicle reliability and maintenance costs to understand what would be a fair and appropriate use and to calculate the lease terms. So this amendment provides GSA with the authority to reach out to other agencies to collect the information on the vehicles the agencies use, to do an inventory of what uses may be suitable for different types of electric vehicles and the numbers that could possibly be deployed, and to use that information to develop a 10-year plan for GSA to submit a report back to Congress so that we can understand what the potential is and make sure that we well position our policies to exploit that opportunity.

The third amendment that I want to draw attention to is amendment No. 3191, sponsored by myself, Senator SCHATZ, and Senator MARKEY. This is a resolution of the sense of the Senate. It notes that global temperature increases will lead to more droughts, more intense storms, more intense wildfires, a rise in sea levels, more desertification, and more acidification of our oceans, and that these impacts will result in economic disruption to farming, fishing, forestry, and recreation, having a profound impact on rural America.

Now, we know this to be the case because we can already observe these impacts on the ground right now. In my home State of Oregon, we have a growing red zone caused by pine beetles—pine beetles that previously were killed off in colder winters that now survive in greater numbers and attack more trees. We have a longer forest fire season. It has grown by 60 days over 40 years. The amount or the acreage consumed by forest fires is increasing. We have a diminishing snowpack in the Cascades, which is resulting in smaller, warmer trout streams, as well as affecting our winter recreation industry. I know that anyone who loves to fish for trout does not want to have a smaller and warmer stream because of its adverse impact.

Over on our coast, we are having an impact on the baby oysters, which have difficulty forming their shells in the more acidic Pacific Ocean, an ocean that is now 30 percent more acidic than it was before the Industrial Revolution. This amendment simply points to the fact that already we see all of this. But as the temperature rises, disruptions increase. The impact on our farming, fishing, forestry, and recreation is greater, and it is doing a lot of damage to our rural economies and a lot of damage overall to the United States of America, and it is doing so throughout the world as well.

We must work together to transition to a clean energy economy. But there are important first steps in place. Our future President, whomever that might be, must work to build upon the foundation we have put in place with our Clean Power Plan, with increased mileage for our vehicles and increased mileage for freight transportation. Let's build upon those steps in order to work in partnership with the world to take on this major challenge.

So I hope these three amendments have a chance to be debated and voted on here on the floor. We are clearly in a situation where we are the first generation to see the impacts of our fossil fuel energy economy, see the destructive impacts on our forests, our fishing, our farming, and our winter recreation. Therefore, we have a responsibility to work together to take this on. Our children, our children's children, may they not look back and say: What happened? Why did our parents and grandparents fail to act in the face of such a massive and important global threat?

OUR ''WE THE PEOPLE'' DEMOCRACY

Mr. President, I am now shifting to my regular ''We the People'' speech, a series of speeches in which I try to raise issues that go to the heart of the framing of our Constitution and the vision of creating a republic that has a government responsive to the concerns of citizens throughout our Nation.

Our Founders started the Constitution with three powerful words, ''We the People.'' They wrote them in a font 10 times the size of the balance of the Constitution as if to say: This is what it is all about. This is our goal, as President Lincoln summarized, a ''government of the people, by the people, for the people.''

It was not the plan of our Founders in writing the Constitution to have a government designed to serve the ruling elites. It was not the design of our Constitution to serve the titans of industry and commerce. It was not the intention of our Founders to build a government to serve the best off, the richest in our society—quite the contrary. So I am rising periodically to address issues related to this vision, this beautiful Revolution, the American Revolution, that sought to have a form of government that served the people, not the elite.

This week I am using my speech to recognize the anniversary of two Supreme Court decisions, two decisions which have driven a stake through the heart of our ''We the People'' democracy. One ruling, Buckley v. Valeo, marked its 40th anniversary last Saturday on January 30, and Citizens United marked its 6th anniversary on January 21. These two decisions have forever altered the vision of our government. They have turned our government on its head. They have changed it from ''We the People'' to ''We the Titans.'' It is my hope that visitors will rally together in this country, that Senators and House Members will rally together to defend the Constitution that they are sworn to uphold that was not a ''We the Titans'' Constitution, it was a ''We the People'' Constitution.

Central to the promise of ''We the People'' is the right to participate in an equal footing, to contribute one's opinions and insights on elections and on issues.

President Jefferson called this the mother principle. He summarized it as follows: ''For let it be agreed that a government is republican in proportion

as every member composing it has his equal voice in the direction of its concerns . . . by representatives chosen by himself, and responsible to him.'' Let me emphasize again, ''republican in proportion as every member composing it has his equal voice in the direction. . . . ''

The decisions of Buckley and Citizens United are a direct assault on this fundamental understanding that to have a ''We the People'' republic, you have to have citizens participate in a roughly equal footing.

These two decisions bulldozed the ''We the People'' pillar on which our government is founded.

President Lincoln echoed Jefferson's equal voice principle. He said: ''Allow all the governed an equal voice in the government, and that, and that only is self-government.''

Is there anyone in this Chamber who believes that today all the governed have an equal voice in the government? I am sure no one among our 100 Senators would contend that principle—so eloquently laid out by President Jefferson, so resoundingly echoed by President Lincoln, so deeply embedded in the founding words of our Constitution—is true today. It is not true because Buckley v. Valeo found that individuals could spend unlimited sums to influence issues and the outcomes of election. That decision and Citizens United destroyed the notion that all citizens get to participate on an equal footing. By green-lighting the spending amount of unlimited sums in combination with the high cost of participating in the modern town square—that is, to secure time on radio, time on television, time or space on the Web—these decisions give the wealthy and well-connected control of the town commons and the ability to drown out the voice of the people.

Certainly a situation where the top 10 percent can overwhelm, can drown out the 90 percent, is not ''We the People'' governance. Certainly a situation where the top 1 percent can drown out the 99 percent is not ''We the People'' governance. It is the opposite.

As President Obama said, ''Democracy breaks down when the average person feels that their voice doesn't matter.'' That is how people feel when they are drowned out by the few under the framework established by Buckley v. Valeo and Citizens United.

The most basic premise of our Constitution is that influence over elections means influence over governance. That is the whole point. Influence over elections is not limited just to being in the booth and pulling a lever. When you enhance the voices of the wealthy relative to everyone else, you fundamentally shift the outcome of legislative deliberations. Despite the arguments of the plaintiffs in Buckley v. Valeo, the wealthy do not have the same concerns about this Nation, about their lives that everyone else has. They don't have the same concerns about the cost of college. They don't have the same concerns about paid family leave. They don't have the same concerns about the solvency and adequacy of Social Security. They are not worried. They are not staying up nights about the health of their child and concern over the cost and quality of health care, and they are not disturbed over policies that shift our manufacturing jobs overseas and eviscerate the working middle class in America.

Yet here we have it. Buckley v. Valeo takes this small percentage of folks who do not have concerns that reflect the vast majority of Americans and gives them overwhelming power in elections and issues.

Let me ask you, is it any wonder that the middle class is doing poorly while the wealth of America has grown exponentially? Isn't that what one would expect in a system favoring the wealthy over the workers? Are we, can we be a government of, by, and for the people if individuals at the very top have vastly greater influence over elections and policy than others? Our Constitution says no. Our Founders said no, but Buckley v. Valeo and Citizens United said yes—and they are wrong.

With a campaign finance system that gives the most affluent massive influence over elections with concomitant control over laws, we don't have a government that embodies President Jefferson's mother principle; that is, one that reflects and executes the will of the people.

So it is time to change this. It is time to recapture the genius of American governance, and it is time to restore the ''We the People'' principles so eloquently and powerfully embedded in the framing of our Constitution.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ISLAM

Mr. MURPHY. Mr. President, I come to the floor to talk about two topics that often make this body and sometimes my side of the aisle uncomfortable. I want to talk about the fight that is on across the world—or particularly in the Middle East for the soul of Islam and how it matters to the United States—and I want to talk about our relationship with Saudi Arabia and the connection to the former issue.

We frequently hear this criticism of President Obama that he doesn't have a strategy to defeat ISIS. I fundamentally don't believe that is true. He does have a strategy, and it is largely working when you look at the metrics on the ground. You see that ISIS's territory in Iraq and Syria have been reduced by about 30 percent over the course of the last year. We have tightened our immigration policies here to make sure the bad guys don't get in. We have stood up a more capable fighting force inside Iraq. We have clamped down significantly on ISIS's sources of revenue and financing. Listen, it is hard to win when only one spectacular and deadly strike can erase all of your good work, but the President does have a strategy on the ground right now inside Iraq and inside Syria.

The problem is that it is still a relatively short-term strategy. As we debate how to defeat ISIS or groups like it, our strategic prescriptions are all relatively short term. We use military force. We try to retake territory. We try to take out top terrorist leaders. We clamp down on sources of financing. These are necessary and important measures to combat a serious threat to the United States, but they don't address the underlying decisions that lead to radicalism. Addressing those issues is the only way to ensure that the next iteration of ISIS—whoever it is, whatever it is, wherever it is—doesn't just simply emerge in its place.

So my argument is that one of the reasons no one has a particularly credible long-term strategy is that it would involve engaging in some very uncomfortable truths about the nature of the fight ahead of us and about the imperfections of one of our most important allies in the Middle East. To make this case to you, I want to first bring you to northwest Pakistan and ask my colleagues to imagine that you are a parent of, let's say, a 10-year-old boy. You are illiterate, you are poor, and you are getting poorer by the day. Unemployment in your village is sky high. Inflation is robbing you of any wealth you may have. Your crop yields have been miserable, but one day you get a visit that changes your perspective. A cleric from a nearby conservative mosque offers you a different path. He tells you that your poverty is not your fault but simply a punishment handed down to you because of your unintentional deviation from the true path of Islam. Luckily, there is a way to get right to God, to submit your only son to Islam.

It gets even better. This cleric is going to offer to educate your son at his school. We call them madrassas. Not only will you not have to pay for the education, this school is going to actually pay you maybe $6,000 just to send your son there. When your son finishes school, this individual promises you that he will find him employment in the service of Islam. Your 10-year-old, previously destined to lead a life that was perhaps more hopeless than your own, is now going to get free housing and meals, religious instruction, the promise of a job when he is older and you get money that you badly need and improved favor with God.

For thousands of families in destitute places such as northwest Pakistan, we can see how it is often a pretty easy choice. But as the years go on, you lose touch with your son. The school cuts off your access to him. And when you do get to see him every now

and again, you see him changing. Then one day it is over. He is not the little boy you once knew. He is a teenager. And he is announcing to you that the only way to show true faith with Islam is to fight for it against the infidels who are trying to pollute the Muslim faith or the Westerners who are trying to destroy it. He tells you that he is going off to Afghanistan, Syria, or Iraq with some fellow students and that you shouldn't worry about him because God is on his side.

You start asking questions to find out what happened in the school and you start to learn. You discover the textbooks he read that taught him a brand of Islam greatly influenced by something called Wahhabism, a strand of Islam based on the earliest form of religion practiced under the first four caliph. It holds that any deviation from Islamic originalism is heresy. In school, your son was therefore taught an ideology of hate toward the unbeliever—defined as Christians, Jews, and Hindus, but also Shiites, Sufis, and Sunni Muslims who don't follow the Wahhabi doctrine. He is told that the crusades never end; that aid organizations, schools, and government offices are just modern weapons of the West's continuing crusade against his faith; and that it is a religious obligation to do ''battle'' against the infidels.

I tell my colleagues this story because some version of it plays out hundreds of times every day in far-flung places, from Pakistan to Kosovo, Nigeria to Indonesia, the teaching of an intolerant version of Islam to hundreds of millions of young people.

Think about this: In 1956 there were 244 of these madrassas in Pakistan; today there are 24,000. These schools are multiplying all over the globe. Yet, don't get me wrong, these schools, by and large, aren't directly teaching violence. They aren't the minor leagues for Al Qaeda or ISIS. But they do teach a version of Islam that leads very nicely into an anti-Shia, anti-Western militancy.

I don't mean to suggest that Wahhabism is the only sect of Islam that can be perverted into violence. Iran's Shia clerics are also using religion to export violence as well. But it is important to note that the vicious terrorist groups whom Americans know by name are Sunni in derivation and greatly influenced by Wahhabi Salafist teachings.

Of course, the real rub is that we have known this for a very long time. Secretaries of State, ambassadors, diplomats, and four-star generals have all complained over and over again about it. Yet we do very little to stop this long, slow spread of intolerance. We don't address it because to do so would force us to confront two very difficult issues.

The first is how we talk sensibly about Islam. Right now we are caught between two extremes. Leading Republicans want to begin and end this discussion with a debate over what we call terrorists. Of course, the leading candidate for President often equates the entire religion with violence. I think this debate over nomenclature is overwrought, but I certainly understand the problem of labeling something ''radical Islamic terrorism'' because it gives purchase to this unforgivable argument that all Muslims are radicals or terrorists. So many Republicans don't want to go any deeper into the conversation than just simply labeling the threat. But Democrats, frankly, aren't that much better. The leaders of my party often do back flips to avoid using these kinds of terms, but, of course, that forestalls any conversation about the fight within Islam for the soul of the religion.

It is a disservice to this debate to simply brand every Muslim as a threat to the West, but it is also a disservice to refuse to acknowledge that although ISIS has perverted Islam to a degree to make it unrecognizable, the seeds of this perversion are rooted in a much more mainstream version of that faith that derives in substantial part from the teachings of Wahhabism.

Leaders of both parties need to avoid the extremes of this debate and enter into a real conversation about how America can help the moderate voices within Islam win out over those who would sow the seeds of extremism. Let me give an example. Last fall, I visited the Hedayah Center in Abu Dhabi, a U.S.-supported, Arab-led initiative to counterprogram against extremist messaging. When I pressed the center's leadership on the need to confront Wahhabi teaching and the mainstream roots of extremism, they blanched. They said it was out of their lane. They were focused on the branches of extremism, not the trunk. But, of course, by then it is probably too late.

America, frankly, doesn't have the moral authority or weight to tip the scales in this fight between moderate Islam and less tolerant Islam. Muslim communities and Muslim nations need to be leading this fight. But America—and most notably, sometimes the leaders of my party—also can't afford to shut its eyes to the struggle that is playing out in real time.

SAUDI ARABIA

That brings me to the second uncomfortable truth, and I present it to you in a quote from Farah Pandith, who was President Obama's Special Representative to Muslim Communities. In a moment of candor, she commented that in her travel to 80 different countries in her official position, she said, ''In each place I visited, the Wahhabi influence was an insidious presence . . . funded by Saudi money.''

The second uncomfortable truth is that for all the positive aspects of our alliance with Saudi Arabia, there is another side to that country than the one that faces us in our bilateral relationship, and it is a side we can no longer afford to ignore as our fight against Islamic extremism becomes more focused and more complicated.

First, let me acknowledge that there are a lot of good aspects in our relationship with Saudi Arabia. I don't agree with cynics who say our relationship is just an alliance to facilitate the exchange of oil for cash and cash for weapons. Our common bond was formed in the Cold War when American and Saudi leaders found common ground in the fight against communism. The unofficial detente today between Sunni nations and Israel is a product, in part, of the Saudi-led diplomacy. There have been many high-profile examples of deep U.S.-Saudi cooperation in the fight against Al Qaeda and ISIS. More generally, our partnership with Saudi Arabia—the most powerful and the richest country in the Arab world—serves as an important bridge to the Islamic community. It is a direct rebuttal of this terrorist idealogy that asserts that we seek a war with Islam.

But increasingly, we just can't afford to ignore the more problematic aspects of Saudi policies. The political alliance between the House of Saud and the conservative Wahhabi clerics is as old as the nation, and this alliance has resulted in billions of dollars funneled to and through the Wahhabi movement. Those 24,000 religious schools in Pakistan—thousands of them are funded with money that originates in Saudi Arabia. So are mosques in Brussels, Jakarta, and Paris. According to some estimates, since the 1960s the Saudis have funneled over $100 billion into funding schools and mosques all over the world, with the mission of spreading puritanical Wahhabism. As a point of comparison, researchers suggest that the Soviet Union spent about $7 billion—a fraction of that—during the entire period of 1920 to 1991. Less well-funded governments and other strains of Islam just can't keep up with the tsunami of money behind this export of intolerance.

Rightfully, we engage in daily castigations of Iran for sponsoring terrorism throughout the region. But why does Saudi Arabia largely get off the hook from direct public criticism from political leaders simply because they are a few degrees separated from the terrorists who are inspired by the ideology their money helps to spread? Why do we say virtually nothing about the human rights abuses inside Saudi Arabia, fueled by this conservative religious movement, when we so easily call out other countries for similar outrageous behavior?

Second, we need to have a reckoning with the Saudis about the effect of their growing proxy war with Iran. There is more than enough blame to be spread around when it comes to this widening Saudi-Iranian fault line in the Middle East. I would argue that the lion's share of the responsibility lies with the Iranians, who have been a top exporter of terrorism and brutality for decades. It is primarily Iranian-backed groups who have destabilized places such as Lebanon and Iraq. It is the Iranians who are propping up a murderous regime in Damascus.

But in the wake of the Iran nuclear agreement, there are many in Congress who would have the United States double down in our support for the Saudi side of this fight in places such as Yemen and Syria simply because Saudi Arabia is our named friend and Iran is our named enemy. But the Middle East doesn't work like that anymore, and there is growing evidence that our support for Saudi-led military campaigns in places such as Yemen are prolonging humanitarian misery and, frankly, aiding extremism.

Ninety billion dollars in U.S. arms sales money has gone to Saudi Arabia during the Obama administration to help them carry out a campaign in Yemen against the Iranian-backed Houthis. Our government says its top priority in Yemen is defeating AQAP, which is arguably Al Qaeda's deadliest franchise, but this ongoing chaos has created a security vacuum in Yemen in which AQAP can thrive and even expand. No expert would dispute that since the Saudi campaign began, Al Qaeda has expanded in Yemen and ISIL has gained a new territorial and recruitment foothold. To make matters worse, Saudi Arabia and some of their GCC allies are so focused on this fight against Iran in Yemen that they have dramatically scaled back or in some cases totally ended their military efforts against ISIS. Under these circumstances, how does military support for Saudi Arabia help us in our fight against extremism if that is our No. 1 goal?

Here are my recommendations. The United States should get serious about this. We should suspend supporting Saudi Arabia's military campaign in Yemen, at the very least until we get assurances that this campaign does not distract from the fight against ISIS and Al Qaeda or until we make some progress on the Saudi export of Wahhabism throughout the region and throughout the world. And Congress shouldn't sign off on any more military sales to Saudi Arabia unless similar assurances are granted.

If we are serious about constructing a winning, long-term strategy against ISIS and Al Qaeda, our horizons have to extend beyond the day to day, the here and now, the fight in just Syria and Iraq. We need to admit that there is a fight on for the future of Islam, and while we can't have a dispositive influence on that fight, we also can't just sit on the sidelines. Both parties here need to acknowledge this reality, and the United States needs to lead by example by ending our effective acquiescence to the Saudi export of intolerant Islam.

We need to be careful about not blindly backing our friend's plays in conflicts that simply create more instability, more political insecurity vacuums which ISIS and other extremist groups can fill, such as what is going on in Yemen today.

We need to work with the Saudis and other partners to defeat ISIS militarily, but at the same time, we need to work together to address the root causes of extremism. Saudi Arabia's counter-radicalization programs and new anti-terrorism initiative are good steps that show Saudi leaders recognize some of these problems, but they need to do more. Tackling intolerant ideologies, refusing to incentivize destabilizing proxy wars—these are the elements of a long-term anti-extremism strategy, and we should pursue this strategy even if it on occasion makes us uncomfortable.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent to be allowed to speak as in morning business.

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

IRAN

Mr. BLUNT. Mr. President, today I want to talk about the President's recent dealings with Iran and the serious questions the administration's actions have raised.

Let me begin by saying first of all that I welcome—as do all Americans who have been watching this—the release of the three American hostages who were wrongfully detained in Iran. We are all glad to see the return of Pastor Saeed Abedini, Jason Rezaian, and Amir Hekmati. That they have been freed and that they have been reunited with their families is important. Our prayers—my prayers and the prayers of so many Americans—remain with those families and with the family of Robert Levinson, a former FBI employee about whom we have not been given the kind of information we need to have. If he is alive, we should demand his release. If he is not alive, we should demand and find out what happened to Robert Levinson.

In return for these three hostages being released, the United States released seven Iranians or Iranian Americans who had been convicted of transferring technology, which included nuclear dual-use technology, to Iran. The administration also agreed to take 14 Iranians off the Interpol arrest list as part of this effort to get Americans unfairly held back. If clearing the way for 21 convicted or indicted enemies of the United States wasn't enough, then the United States, in my view, also agreed to pay $1.7 billion to Iran. In everybody's view, they paid that $1.7 billion at the time of the swap. The administration, I guess, would want us to believe it is coincidental that the day after the American hostages were released and the day after the Iran deal went into effect, Secretary Kerry announced that the United States had settled a claim at the World Court at The Hague dating back decades.

According to the Wall Street Journal, Iranian General Reza Naqdi said: ''Taking this much money back was in return for the release of the American spies and doesn't have to do with the [nuclear] talks.''

Whether it had something to do with the nuclear talks or not, I don't know how significant that is. I submitted an amendment when we were debating the Iran agreement that it shouldn't be finalized in any way until all of these hostages were returned. In fairness, I didn't think it should be finalized in any way, no matter what, but I definitely couldn't understand why we wouldn't insist that these innocently held Americans were returned. It becomes more and more obvious all the time that the Iranians had a plan. Not only did they want to further humiliate the United States, but they simply wanted money.

Under this settlement at The Hague, the United States will be paying Iran—and has already paid Iran—$1.7 billion. This is supposedly $400 million in principal stemming back to a former military sale before the fall of the Shah of Iran and then $1.3 billion in interest—$400 million in principal, and $1.3 billion in interest.

The timing of the swap and the announcement of the breakthrough in the settlement—this had been at the World Court for 35 years, and we are supposed to believe that it is just another coincidence in the Obama State Department.

Peeling back the details of this settlement is even more troubling because the money had already been spent. This was Iranian money from a foreign military sale that had been held in what is called the FMS account—the foreign military sale account. It was originally placed in that trust fund, but then it was spent.

Why was it spent? It was spent because the Congress in 2000 passed legislation that the President signed that directed the Secretary of the Treasury to use that money to compensate victims of Iranian terrorism. In cases like Flatow vs. Iran and four other related cases, Iranian terror victims all received compensation from this fund, effectively wiping out the balance of the fund. The trust fund that the administration is referring to has already been spent.

How do you give money back that has already been spent? You can't give money back that has already been spent. I suppose you can take taxpayer dollars, which is what happened here, suggest that somehow this was money of the Iranians all the time and give those taxpayer dollars to Iran in return for, as their own general said, the release of the people he called the American spies.

Did the administration essentially agree to ransom to get these Americans released? It certainly appears so.

I think you and I and every Member of the Senate should continue pressing the administration for answers. If they want to spend taxpayer money, there may be some legal way they can do that, but there is really no legal way they can say they are giving money back that the Congress already told them to do something else with, and they did.

In addition to that money we have now given to Iran, the Iranian agreement allows somewhere between $100 million and $150 million held by countries all over the world since the late 1970s to be returned to Iran. Just last week, Secretary of State Kerry said that some of this money will ''end up in the hands of the [Iranian Revolutionary Guard Corps] or other entities, some of which are labeled terrorists.''

Well, of course that is where that money is going to wind up. There was an argument made during the Iranian agreement that there are so many needs in Iran that they are going to spend this on other more worthwhile things. But no matter how many needs there were in Iran, Iran is, by the administration's own determination, the No. 1 state sponsor of terrorism in the world. Of course when you give them money back, they are going to use that money for what they are already using their money for. They are just going to have over $100 billion more at their disposal.

The world's largest state sponsor of terrorism—whether it is backing Palestinian terrorists in Gaza or supporting Hezbollah's attacks against Israel from Lebanon, the regime will now have more resources to do that with. Iran, of course, has made no secret of its nuclear ambitions nor of its willingness to flout the treaty obligations in order to achieve those ambitions. It recently launched two ballistic missile tests in the past 3 months. It is a direct violation of the U.N. resolution which prohibits them from engaging in activities related to ballistic missiles capable of carrying a nuclear warhead, but they have done it twice in the last 90 days. Even Members of the President's own party who have supported the Iran agreement have criticized the administration's lack of response to these violations.

What is the world to think? What are the American people to think when we are transferring money at the time we get American hostages back, when we are allowing missiles to be launched near the U.S.S. *Harry Truman*, when we are allowing ballistic missile tests to occur, and acting as if we have made some great breakthrough with Iran?

The recent detention of U.S. sailors in Iran is another example of how little we have gained in this Iranian policy agreement. The administration has gone out of its way to accommodate the demands of this regime that is hostile and sponsors terrorists. Enough is enough. It is time that the Congress stood up, and I urge my colleagues in the Senate to utilize every tool at our disposal to hold the Iranian regime accountable.

One important step will be to secure Iranian assets owed to victims of terrorism who had been awarded judgments by our courts and other courts. Why would we give money to Iran when there are Americans who are victims of terrorism that courts have said have a right to that money? They found Iran liable for sponsoring fatal attacks against American citizens, including the 1983 bombing of the U.S. Embassy and the Marine Barracks in Beirut, Lebanon, and the 1996 bombing of the Khobar Towers in Khobar, Saudi Arabia.

According to the Congressional Research Service, about $43.5 billion in unpaid judgments from Iran to Americans are due. Iran should not receive any sanctions relief until those claims have been paid. We ought to look at how we can secure Iranian assets to provide some measure of justice for victims of these terrorist activities. That should include assets held by foreign countries, foreign companies, and countries who do business in the United States.

The idea that the Iranian regime is now our partner is dangerously naive and one that undermines our global leadership. It confuses our friends, and it emboldens our enemies. I urge the President to quit bending to this regime and start putting the interests of the American people and our allies first. I urge the Congress to continue to look at this recent exchange of money for hostages.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

LEAD IN OUR DRINKING WATER

Mr. CARDIN. Mr. President, I rise today in support of the effort by Senator STABENOW and Senator PETERS to amend S. 2012 for Federal response to the ongoing crisis in Flint, MI. We know about the lead in the water supply, the fact that it was known, and the fact that many children today have suffered the consequences. It is incumbent that the Federal Government be a partner in finding a way to correct that circumstance as soon as possible.

I come to the floor urging our colleagues to find a way that we can move forward with such an amendment to help the families in Flint, MI. I congratulate my colleagues, Senator STABENOW and Senator PETERS, for their leadership.

I hope we don't lose sight of the big picture, and that is that this is happening in cities and towns all across America. In Michigan, it is not only Flint but parts of Grand Rapids, Jackson, Detroit, Saginaw, Muskegon, Holland, and several other cities that have seen high lead levels in their children. Sebring, OH, just this week closed schools for 3 days because of lead in their tap water. In Toledo, officials have long treated the water with phosphates to prevent leaching of lead. Eleven cities and two counties in New Jersey had higher percentages of children with elevated lead levels than Flint, MI, State lawmakers and advocacy groups said on Monday of this week. Here in the Nation's capital, in Washington DC, in the early part of the last decade, lead leached into the water of possibly 42,000 children.

Let me talk about my State of Maryland. In the city of Baltimore, high lead levels in schools prompted officials to turn off drinking fountains and pass out bottled water instead in every school in Baltimore City. They are not hooked up to the fountains because it is not safe. Across the State of Maryland, every 1- and 2-year-old in the entire State will be tested for lead—that is 175,000 children—because they are at risk.

This is a national problem. In Flint, MI, it is estimated it cost about $800 million for remedial costs alone. That is about two-thirds of what we currently appropriate every year for drinking water infrastructure in the entire country. The amount we appropriate is woefully inadequate.

Accord to the EPA's most recent estimates, more than $655 billion may have been needed to repair and replace drinking water and wastewater infrastructure nationwide over the next 20 years. This comes out to over $32 billion per year every year for the next 20 years. Yet currently we spend approximately $3 billion per year at the Federal level on combined drinking water and wastewater infrastructure State revolving funds—one-tenth of the total amount that is needed in order to modernize our infrastructure.

The public expects that when they turn on the tap, the water is safe. They expect that when they use their bathroom facilities, the wastewater is being treated appropriately. They expect that the Nation of the United States can deliver water in a manner that is efficient and safe. In reality, our water infrastructure is out of sight and is woefully inadequate, as we have seen in Flint, MI.

I ask my colleagues: If it costs $800 million to fix the pipes in Flint, MI, are we going to come to an agreement that we need a substantial increase in the amount of funds appropriated for the clean water and drinking State revolving funds to help all American cities? Because the stakes could not be higher.

There are many things that went wrong in Flint, MI. First and most directly was the failure of the Governor and his appointed emergency managers to identify and address the problem as it grew more and more apparent. They knew the problem, and yet they didn't do anything about it. Second, a declining and increasingly impoverished population, which has gutted the tax base and eliminated the ability to pay back the loans the city might receive from the Federal Government to change out their pipes. It is also a matter of ability to actually afford the infrastructure at the local level. That is why the State partnership through the Federal partnership through the State revolving funds is so critically important.

This has never been a partisan issue. I have served on the Environment and Public Works Committee since I was elected to the Senate, and we have recommended authorization levels and changes in the formula so that we can modernize our water infrastructure in

this country. It has had nearly unanimous support in our committee.

As I said, there is not nearly enough money in these revolving loan funds to keep up to date the drinking and wastewater infrastructure in this country, even if the cities could pay back the loans. The list goes on and on. This list is not limited to Flint. These demographic and fiscal physical characteristics are similar to many, many cities of every size in the United States, in almost every State.

None of these things that have gone wrong in Flint are more distressing than the possibility that children may have suffered irreversible damage in their developing brains from the exposure to lead. Exposure to even a low amount of lead can profoundly affect a child's behavior, growth rates, and—perhaps most worrying—their intelligence over time. Higher levels of lead in a child's blood can lead to severe disabilities, eye-hand coordination problems, and even a propensity toward violence. Younger children and fetuses are especially vulnerable to even small exposures to lead—whether it be in tapwater, lead paint, lead in soil still left from the days of leaded gasoline, and lead in children's toys and jewelry. The list goes on and on and on. There is not just one source of lead, and I understand that, but when we turn on the faucets, we do not expect to have water that contains lead.

Further, it is impossible to gauge how a specific child will be affected because the developmental impacts of lead poisoning can take years to become apparent. So you might have been poisoned 5 years ago, and the effects will take longer before it becomes apparent in the classroom or the community. In fact, the health effects are so severe, our Nation's health experts have declared there is no safe level of lead in a child's blood—period, the end, zero.

I also want to highlight a quote from an article in the New York Times on January 29 of this year.

> Emails released by the office of [Michigan] Gov. Rick Snyder last week referred to a resident who said she was told by a state nurse in January 2015, regarding her son's elevated blood lead level, ''It is just a few IQ points. . . . It is not the end of the world.''

There has to be a greater sense of urgency in this country. We know every child, if they work hard, should have an opportunity in this country. We shouldn't take away that opportunity by diminishing their ability to achieve their objectives.

Dr. Hanna-Attisha, the doctor primarily responsible for bringing this issue in Flint to light, and others have studied lead poisoning and have sharply different views of lead exposure for which there is no cure. Dr. Hanna-Attisha said: ''If you were going to put something in a population to keep them down for generations to come, it would be lead.''

This is devastating to the individual and devastating to our country's potential. The work of the institutions in the State of Maryland to combat lead exposure is exemplary. Baltimore's Coalition to End Childhood Lead Poisoning is a nonprofit organization dedicated to services and advocacy on behalf of families affected by lead poisoning. This organization started as a grassroots effort by Maryland parents who saw a problem in their community and sought innovative solutions. The coalition has grown nationally, founding the Green & Healthy Homes Initiative to provide a holistic approach for safer and greener living spaces for American families. The coalition has dozens of local partners, including Johns Hopkins Bloomberg School of Public Health and the University of Maryland School of Law. Together, I am proud to say, these Maryland institutions are paving the way to combat lead poisoning and researching innovative legal solutions to a tragic problem, but we cannot rely on the nonprofits to fix this problem for us. The stakes are too high and the solution too costly. We have a duty to these children to make sure their drinking water is safe. Make no mistake, massive lead poisoning of an entire city's children from any source robs our country of an entire generation of great minds—minds which are core to the futures of these most vulnerable communities.

I urge my colleagues in the Senate to not only act responsibly with regard to Flint, MI—and we can do that today with the bill that is on the floor—but to recommit ourselves to find a path forward to provide safe drinking water not just for one city but for all American cities and all the people of this Nation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I have raced to the floor simply because it has come to my attention that there are some Senators who are utilizing this Energy bill, which is for a very valued purpose, a purpose of energy efficiency. Some Senators are utilizing this legislation for their own purpose by proposing amendments that will ultimately threaten the environmental integrity off of Florida's gulf coast and will threaten the U.S. military and its ability to maintain the largest testing and training area for not only the United States but for the world.

I want to refer to a map of the Gulf of Mexico and show you everything. Here is the tip of Florida. This is Pensacola, Naples, Tampa, and down here are the Florida Keys and Key West. Everything in yellow in the Gulf of Mexico—and this is the law—is off-limits to drilling until 2022. It happens to be a bipartisan law that was passed back in 2006. It was cosponsored by my then-fellow Senator from Florida, a Republican, Mel Martinez. Why did the two of us make this a law? The drilling is over here, everything to the west. The first question is: Where is the oil? Mother Nature decided to have the sediments go down the Mississippi River for millions of years where it compacted into the Earth's crust and became oil. The oil deposits are off of Louisiana, Texas, Alabama, and there is a little bit off of Mississippi. There really isn't much oil out here.

In addition, why did we want this area kept from drilling? Take a look at that. That is a marsh in Louisiana after the gulf oilspill which took place several years ago. We certainly don't want this in Florida. You will notice that there are not many beaches off of Louisiana, Mississippi, and Alabama. But what do you think Florida is known for? It is known for its pristine beaches all the way from the Perdido River, which is along the Florida-Alabama line and goes down the coast to Naples. This area not only includes the Keys, but it goes up the east coast of Florida. Florida has more beaches than any other State. Florida has more coastline than any other State, save for Alaska, and Alaska doesn't have a lot of beaches.

People not only visit Florida because of Mickey Mouse, but they visit Florida in large part because of our beaches. The gulf oilspill turned these white, sugary sands of Pensacola Beach black. Even though the oil spilled way over here, it drifted to the east and got as far as Pensacola. A little bit more oil reached Destin, and there were just a few tar balls on Panama City's beach. When Americans saw those white, sugary sand beaches black from oil, they assumed that had happened to the entire coast of Florida, and as a result people didn't visit for one whole season.

So what happened to Florida's economy? What happened to the dry cleaners, restaurants, and hotels that are all too happy to welcome their guests and visitors who didn't come? You get the picture of what happened to our economy.

I am speaking about this as the Senator from Florida, but now let me speak as the Senator who is the second-ranking Democrat on the Armed Services Committee. This area is known as the military mission line. Everything east of that line—indeed, almost all of the Gulf of Mexico—is the largest training and testing area for the U.S. military in the world. Why do you think the training for the F–22 is at Tyndall Air Force Base in Panama City? Why do you think the training for the F–35 Joint Strike Fighter, both foreign pilots as well as our own, is at Eglin Air Force Base? It is because they have this area. Why is the U.S. Air Force training, testing, and evaluation headquarters at Fort Walton, Eglin Air Force Base? Because they have 300 miles here where they can test some of our most sophisticated weapons.

If you talk to any admiral or general, they will tell you that you cannot have oil-related activities when they are testing some of their most sophisticated weapons. This is a national asset,

and it is key to our national defense. So for all of those reasons, Senator Martinez and I put in law that this is off-limits up until the year 2022, but now comes the Energy bill, with its sneaky amendments giving additional revenue sharing to these States and upper States on the Atlantic seaboard. It gives those States a financial incentive to get a cut of the oil revenue. What do you think that is going to do to the government of the State of Florida in the future as an excuse to put drilling out here as well as to have drilling off the east coast of Florida?

When I was a young Congressman, I faced two Secretaries of the Interior who were absolutely intent that they were going to drill on the east coast of the United States from Cape Hatteras, NC, all the way south to Fort Pierce, FL, and the only way back then—in the early and mid-1980s—we were able to get that stopped, which this young Congressman had a hand in doing, was to explain that you can't have oil rigs off of Cape Canaveral, where we are dropping the first stages of all of our military rockets that are so essential for us so that we will have assured access into space in order to protect ourselves with all of those assets.

Of course, in the early 1980s, I could talk about what was going to happen for 135 flights of the space shuttle. You can't have oil-related activities where the first stages—the solid rocket boosters on the space shuttle—are going to be landing by parachutes in the ocean because you are going to threaten the launch facilities for the U.S. military as well as NASA if you put oil-related activities out there.

So, too, in another 2 years we will be launching humans again on American rockets, some of whose first stages will still be crashing into the Atlantic and whose military defense payloads continue to launch almost every month, and those first stages splash down into the Atlantic. Yet an amendment that is suspected to be offered by a Senator is going to give incentive in the future—all the more pressure to try to pull oil out of here.

Ever since this Senator was a young Congressman, I have been carrying this battle. This Senator supports oil drilling. This Senator supports it where it is environmentally sound, including fracking in shale rock, because look what it has done for us. But there are times when there is tradeoff. But in this case there is not going to be a tradeoff, in the first place because there is not any oil, in the second place because it would wreck the economy of Florida with our tourism and our sugary white beaches, but in the third place because it would threaten the national security of this country if we eliminated this as our largest test evaluation and training center.

I can tell my colleagues that this Senator is not going to let that happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise to discuss amendment No. 3016. This is an amendment that would eliminate the corn ethanol mandate from the fuel standards that we have.

I wish to thank my cosponsors on this amendment, including Senator FEINSTEIN from California and Senator FLAKE from Arizona. This is a bipartisan amendment. I think this is a really important issue.

What this amendment does is it eliminates the corn component of the renewable fuel standard. The renewable fuel standard, as my colleagues know, was created in 2007, and this is a Federal mandate that forces drivers to burn, actually, billions of gallons of biofuels, the vast majority of it derived from corn, in our vehicles, in our cars. It is on the order of 100 billion gallons of corn ethanol, and because this mandate establishes specific and increasing quantities of ethanol that has to be burned in our cars, when total gasoline consumption stays flat or declines, then it becomes an increasing percentage that we are all forced to buy.

Let me be clear about one thing. The amendment I am specifically addressing, amendment No. 3016, eliminates the corn portion of the renewable fuel standard mandate, and that is 80 percent by volume. The optimal policy is to get rid of this whole thing. It was a well-intentioned but bad idea to begin with. It is now abundantly clear this is bad policy and we should get rid of the whole thing. But I understand we don't have as broad an interest in getting rid of the whole thing as the interest we have in getting rid of at least the corn component. And since that is, after all, 80 percent, this would be significant progress.

There is probably not an enormous universe of things on which I have agreed with Vice President Al Gore over the years, but he got this right. Vice President Gore has acknowledged that ethanol was a mistake in the first place.

It was created, as I say, with all good intentions. It was thought that by forcing people to make ethanol mostly from corn and burn it in our cars, we would reduce air pollution. It was thought that it would reduce costs for families. It was thought that it might even be good for the economy. All three are completely wrong. Factually, that is not the case. The mandate has failed to achieve any of these goals. Instead, in fact, it increases air pollution, it increases costs for families, and it is harmful to our economy.

Let me take the first one, because the real motivation for this was to do something to improve the environment. The real idea behind ethanol—the impetus in the first place—was that somehow we would reduce air pollution if we are burning ethanol derived from corn rather than gasoline. Well, unfortunately, it hasn't worked out that way. That isn't just my opinion. There is plenty of documentation.

In 2009, Stanford University predicted: ''Vehicles running on ethanol will generate higher concentrations of ozone than those using gasoline, especially in the winter . . .''

In 2011, the National Academy of Sciences observed: ''Projected air-quality effects from ethanol fuel would be more damaging to human health than those from gasoline use.'' That is the National Academy of Sciences.

In 2014, Northwestern University researchers did a little research on the real world. They went down to Sao Paulo, Brazil, where they had recently required an increase in the use of ethanol, and what did they find? A corresponding, significant increase in ground-level ozone, which we all know is a harmful pollutant at the ground level and causes smog and other health problems.

So there is no dispute about this. There is no question about this. Ethanol is harmful to our air quality and our environment.

The Environmental Working Group agrees. The Environmental Working Group, a group of environmentalists, have said: ''The rapid expansion of corn ethanol production has increased greenhouse gas emissions, worsened air and water pollution, and driven up the price of food and feed.''

I know that many of my colleagues are very concerned about carbon emissions. So separate and apart from ozone, CO_2 that is being released into the atmosphere is a concern for a lot of people. Studies show that ethanol creates more carbon dioxide emission than gasoline. It is just a fact.

The Clean Air Task Force estimates that the carbon emissions from corn ethanol, over the next 30 years at current projected consumption rates, would exceed 1.4 billion tons, which is 300 million tons more than if we used gasoline instead of the ethanol.

So there really isn't any debate that I am aware of anymore about this. Air quality is better if we are not using ethanol than when we are. But there are other impacts of this mandate. One is the higher cost on families.

The fact is that ethanol is more expensive to make per unit of energy than gasoline. So we need to spend more for our cars to go the same distance. The New York Times reported that ethanol increased costs to gasoline purchasers by billions of dollars in 2013. The Wall Street Journal estimated that in 2014 alone, the RFS mandate—this mandate that we burn ethanol in our gas—raised the cost of gas by an average of anywhere from $128 to $320 per year for the average family.

So let's be very clear. This mandate is costing American families several hundred dollars a year of their disposable income because they are having to spend to buy the more expensive fuel to move their vehicles.

It is not just the direct effect of having to pay more when we gas up our cars. These ethanol mandates take a huge segment of our corn production off the market and they drive up the price of corn. Again, this isn't just me

saying so. In 2008, USDA Secretary Ed Schafer and Department of Energy Secretary Samuel Bodman acknowledged that ethanol increases the food price. Their estimate is just under 1 percent per year.

In 2012, a study by economist Thomas Elam observed that ethanol increases food costs for the average family of four by just over $2,000 per year. So the increased food cost is actually multiples of the increased gasoline costs when we fill up our tanks, and families are hit by both.

Of course, the food cost goes up not only because of the direct effect of higher corn—and many of us consume corn directly—but corn is the principal feed for all livestock. So the price of meat and poultry is very much correlated to the cost of the feed, and we make that feed much more expensive than it needs to be because of the ethanol mandate.

There is another way in which this mandate is harmful to consumers and to families, and that is that it increases engine maintenance costs. The EPA acknowledges that ethanol is harmful to engines. They say: ''Unlike other fuel components, ethanol is corrosive and highly water soluble.'' Gasoline is not. So gasoline doesn't have this physical property; it doesn't damage engines. But ethanol does. The moisture that is dissolved in ethanol is corrosive.

In fact, the EPA warns that fuel blends containing as little as 15-percent ethanol—which, by the way, this year there will be gas stations selling gasoline that is 15-percent ethanol—should not be used in any motorcycle, schoolbus, transit bus, delivery truck, boat, ATV, lawnmower or older automobile because of the damage that we know the ethanol will do to these engines.

AAA warns that raising ethanol content—just rising it above 10 percent, which is where we are—will damage 95 percent of the cars that are on the road today. How can this possibly be good for a family to be systematically degrading the engines in their vehicles?

There are other ways in which this is damaging to our economy. I mentioned that part of the reason that food prices for families are higher as a result of the ethanol mandate is because corn is such an important source of food for livestock. Well, in fact, the Federal Reserve and the USDA estimate that the ethanol mandate alone has contributed to a 20- to 30-percent increase in corn prices, and that has had a terrible impact on livestock operations and the dairy industry.

It is also bad for American refineries. There are 137 oil refineries that operate in 28 States and employ thousands of people with good family-sustaining jobs, but because the oil refiner has to either blend in ethanol with the gasoline they make or they have to go out and pay a fine—a penalty, essentially—if they don't, it diminishes jobs in the refining sector. Again, this isn't just my opinion. I got a letter from the Philadelphia AFL–CIO business manager Pat Gillespie, and I will quote from the letter because he lays it out very clearly. He says:

> Our resurrected refinery in Trainer, Pennsylvania . . . once again needs your intercession. The impact of the dramatic spike in costs of the RIN credits—

the system by which EPA enforces the ethanol mandate—

> from four cents to one dollar per gallon will cause a tremendous depression in . . . [our refinery's] bottom line. . . . Of course at the Building Trades, we need them to have the economic vitality to bring about the construction and maintenance projects that our Members depend on. And the steel workers, of course, need economic vitality so they can maintain and expand their jobs with the refinery. . . . We need your help with this matter.

I completely agree. This is disastrous policy.

Just to summarize, corn ethanol—ethanol generally but corn ethanol in particular—is just bad policy. It is bad for the environment, it increases air pollution, it raises costs for families to drive their vehicles and to put food on the table, and it costs us jobs. It is bad for the economy. Let's end this practice. Let's end this mandate. It was well-intentioned at the time, but now it is clear it is doing harm, not doing good.

I will close on one other point. We in Congress, in Washington, should not be forcing taxpayers and consumers to subsidize certain industries at the expense of others. That is what is going on here. The magnitude of the consumption of ethanol is entirely driven by the mandate Congress has required the EPA to impose. That is why this is happening.

We use the power of the government to force consumers to pay more than they need to pay to drive their car and to buy their food. This makes no sense at all.

It seems to this Senator that a big part of what we are hearing on both sides of the aisle in this very unusual and raucous Presidential election cycle is voters who are disgusted with Washington. They don't trust Washington. They don't have a very high opinion of Congress. Part of it is because they are convinced that Congress goes around doling out special favors for special industries, special groups, and the politically well-connected. Well, guess what. They are right, and this is an egregious example of that. It is a clear example where the taxpayer and consumer get stuck with the bill so as to benefit a select preferred industry that has a lot of political clout. It is outrageous. The American people are right to be angry and tired of this.

Mr. President, we should end the renewable fuel standard entirely. As I say, it started with good intentions, but the evidence is in and there is no mystery anymore: This policy is bad for the environment, bad for families, bad for budgets, and bad for our economy. There is no reason we should be continuing this, and I urge my colleagues to support this and any other effort to completely eliminate the renewable fuel standard, and if we can't do that, at least take the 80 percent out that is comprised of the corn component.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PERDUE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SECOND AMENDMENT RIGHT TO KEEP AND BEAR ARMS

Mr. GRASSLEY. Mr. President, I ask unanimous consent to have printed in the RECORD a document titled ''Just the FACTS'' at the conclusion of my remarks.

Mr. President, the problem of gun violence is real, but too many of the proposed responses to this problem would not only represent unwise policy but would also violate a fundamental constitutional right—the Second Amendment right to keep and bear arms.

What does this mean to you and to me as Americans? It means that the right to bear arms falls into the same category as our other most closely held individual rights: the right of free speech, the right of freedom of religion, and the right of due process of law. Basically, what I am saying is that one cannot separate out any one of the Bill of Rights or any of the other constitutional rights that come under the 14th Amendment, as an example. You can't separate the right to bear arms from those because, and this is not emphasized enough, the Second Amendment, the right to bear arms, is an individual, fundamental constitutional right. Maybe a lot of us believed that over decades, but it has been only within the last 5 to 8 years and in a couple of decisions that the Supreme Court has made that entirely clear, that it is an individual, fundamental constitutional right.

With that firm foundation, I want to straighten out some of the rampant misinformation that is used to advocate for stricter gun control. Correcting these myths is essential so that the issue can be properly deliberated and properly addressed. Unfortunately, many of these myths were reiterated over the past 2 weeks during prime time, nationwide Presidential media appearances.

First, let's debunk the quote ''gun show loophole.'' Were you to click on your TV, pick up a newspaper, or read certain mailers, you would be left with the impression that if you buy a firearm at a gun show, you are not subject to a background check. In fact, all gun show purchases made from commercial gun dealers require a background check. These commercial gun dealers—or, as they are called, Federal firearms

licensees—typically make up the majority of the gun vendors at gun shows.

Let's be very clear. If someone goes to a gun show and at that gun show purchases a firearm from a commercial gun dealer, that individual or those individuals are subject to a background check, period. So then who are these people we hear the President and others speak about who are not subject to a background check? If you are an individual and you want to sell your gun to another individual, you may do so, assuming you don't know or have reasonable cause to believe that such person is prohibited from owning a gun. It is quite common sense that the government does not dictate where this sale takes place. It is peer-to-peer. You can sell your hunting rifle to your neighbors, and you can make that sale in your home, driveway, or parking lot. You can also make that sale to another individual at a gun show. That is what is referred to as a peer-to-peer transaction—simply two adults engaged in a personal transaction. Just as there is no background check required in your driveway, there generally is no background check required when that private, peer-to-peer sale happens to occur at a gun show. Very clearly, this is not a loophole in the pejorative sense of the word; this is simply an American lawfully selling their property to another without the Federal Government involved.

In this same vein, to hear the President discuss it, you would assume that these gun shows were lawless free-for-alls for felons to obtain their newest illegal weapon. In fact, local, State, and Federal law enforcement are often present at gun shows, both in uniform and covertly in plain clothes. These law enforcement officers monitor and intervene in suspected, unlawful firearm sales such as straw purchasing, attempted purchases by prohibited individuals, and the attempted sale of illegal firearms.

As the Washington Times reported last Wednesday, law enforcement arrests at gun shows hit new highs last year. I recently attended a gun show in Iowa, and there was a robust law enforcement presence. So I want to go on to another point beyond the supposed gun show loophole that I just showed isn't much of a loophole.

The second point is that we have been repeatedly told by President Obama, as recently as a couple of weeks ago, that firearms purchased on the Internet don't require a background check. I have seen media reports to that same effect. Once again, this is a blatant inaccuracy and that is an inaccuracy that needs to be corrected. So that is why I am here.

An individual cannot purchase a firearm directly over the Internet. A gun purchaser can pay for a firearm over the Internet, but, if purchased from a firearms retailer, the firearm must then be sent to a brick-and-mortar location. When the purchaser picks up the gun, a background check is performed. Assuming the purchaser passes the background check, he or she may obtain physical possession of that firearm.

In addition, an individual cannot lawfully purchase a firearm on the Internet from an individual who lives in another State. Any interstate sale of a firearm—even between two individuals online—must go through a gun store which, after charging a fee and running a background check on the purchaser, provides the purchaser with the firearm that they bought from another individual on the Internet.

These are two clear instances where Internet purchasers require a background check.

The one exception where a firearm can be lawfully purchased using the Internet without a background check is when two individuals living in the same State establish the terms of a purchase over the Internet and then meet in person to transfer the firearm.

If the firearm is a rifle or a shotgun, a resident may use the U.S. Postal Service to mail the firearm intrastate to another individual, but he may not do so if the item being purchased is a handgun. A handgun can only be mailed intrastate via a contract carrier and, as you can see, once you blow away the smoke and pull down the mirrors, the statement that there are no background checks on Internet purchases rings hollow.

A third point is that with great fanfare President Obama has stated unequivocally that firearms enforcement has been a priority with his administration. This is simply not true. That can be backed up with statistics.

The Obama administration chose to focus its criminal justice resources elsewhere rather than cracking down on illegal gun sales. Federal firearms prosecutions are down at least 25 percent under this President.

In addition, he suspended successful programs specifically designed to thwart firearms offenses. Unfortunately, as has so often been the case with the Obama administration, the rhetoric just does not match the action. As I have repeatedly called for, we need greater enforcement of the existing law, which simply has not happened under this administration.

A fourth point, to set the record straight on the President's statements, is that despite condemnation from both sides of the aisle and even from publications that regularly support increased gun control—such as the LA Times, for example—we have once again heard the President call for tying America's fundamental Second Amendment rights to the terrorist no-fly list. As we all know in this body, the no-fly list is actually multiple lists generated in secret and controlled by the executive branch bureaucrats. The no-fly list is intended to thwart suspected terrorists from flying. Flying is not a constitutional right like the Second Amendment is. So the people who are put on these lists are not given the chance to challenge their inclusion on those lists. However, it is blatantly unconstitutional to deny a fundamental constitutional right without any type of due process such as notice and the opportunity to be heard.

The fact that the President continues to call for use of the no-fly list as it relates to a fundamental right calls into question his repeated assurances that he fully supports the Second Amendment.

Given unprecedented Executive actions regarding sanctuary cities and a refusal to enforce immigration laws as enacted by this body, we should not be surprised at those statements. But let me state unequivocally that using a secret document—which by its nature and purpose will often be overinclusive or contain errors as a basis for denying Americans their Second Amendment right—is clearly unconstitutional.

The fifth point against the President's position is that on multiple occasions the Obama administration has condemned semiautomatic weapons. So let's get it straight right here and now. As any gun owner knows, a semiautomatic firearm is simply a gun that shoots one round with each pull of the trigger. This encompasses the type of shotgun most often used for duck hunting and the type of rifle often used for target shooting. A semiautomatic firearm does not equate to the fabled assault weapon and, of course, it is not a machine gun. We should be concerned when this administration makes proposals on guns that fail to reflect knowledge of even elementary elements of their operation.

I have additional myths that need to be dispelled that I will submit—and I have had permission from the Presiding Officer to submit that—but I want to be mindful of other people's times, and I now wish to respond directly to one of President Obama's challenges.

So let's talk for a moment about bipartisan efforts regarding gun control. Senator DURBIN of Illinois, the second-ranking Democrat in leadership, and I are working on drafting a bill on which we hope we can reach agreement and introduce shortly, which prohibits all aliens—with the exception of permanent legal permanent residents and those who fall under a sporting exception—from acquiring firearms. In addition, our bill reinstitutes residency requirements for those noncitizens attempting to purchase a firearm.

The bipartisan legislation we hope we can agree to introduce would close real and actual loopholes, such as those that currently permit refugees or asylees or those from visa-waiver countries to acquire firearms.

I look forward to the opportunity to work on this issue in a bipartisan manner. But if we are going to deliberate and debate the issue, we must clear up the misconceptions and avoid erroneous rhetoric that seems to be dominating the news out there with all the

false positions and false interpretations of the law, which I have discussed in a few minutes with my colleagues.

So I am going to end where I started. The Second Amendment right to bear arms is a fundamental right, and any legislative or Executive action under any President must start and finish with the recognition of the fact that the Second Amendment is as important as other amendments to the Constitution of the United States.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUST THE FACTS

The President's Executive Actions on Firearms and Other Common Myths.

Myth #1: Firearm purchases at gun shows do not require a background check due to the ''gun show loophole.''

Facts:

When the President and others refer to the ''gun show loophole,'' they imply that there are no background checks being done at gun shows. As a result, much of the public has been misinformed and are led to believe that individuals who purchase firearms at gun shows are not subject to a background check.

In reality, there is no ''gun show loophole.'' If an individual wants to purchase a firearm from a licensed firearms retailer, which typically makes up the majority of vendors at gun shows, the individual must fill out the requisite federal firearms paperwork and undergo a National Instant Criminal Background Check System (''NICS'') background check.

The only firearms that are being purchased at gun shows without a background check are those being bought and sold between individuals, peer-to-peer, as opposed to buying a firearm from a gun dealer. These private sales are no different from selling a personal hunting rifle to the owner's niece or nephew down the road. It is a private sale and no background paperwork is required. The gun is private property and the sale is made like a sale of the family's good silver. The one difference is that the locus of a gun show is being used to make the private sale.

Under current law, an individual is permitted to occasionally sell part, or all, of their personal firearms collection. These private sellers, however, cannot be ''engaged in the business'' of selling firearms. ''Engaged in the business'' means they can't repeatedly sell firearms with the principal objective of earning funds to support themselves. Some of the individuals who wish to sell a portion, or all, of their personal firearms collection do so at the show and might display their wares on a table. These ''private table sales,'' however, are private, peer-to-peer, sales and, therefore, do not require a background check. The President cannot change criminal statutes governing requirements for which sellers must conduct background checks. His new actions don't do so and don't claim to do so.

In a peer-to-peer, private firearms transaction, it is already illegal to sell a firearm to another individual if the seller knows or has reasonable cause to believe that the buyer meets any of the prohibited categories for possession of a firearm (felon, fugitive, illegal alien, etc).

Myth #2: Gun shows lack any law enforcement presence and are a free-for-all for felons and other prohibited individuals to obtain firearms.

Fact:

Local, state, and federal law enforcement are often present both in uniform and/or covertly in plain clothes to monitor and intervene in suspected unlawful firearms sales such as straw purchasing, purchases made by prohibited individuals, including non-residents, and the attempted sale of any illegal firearms.

Myth #3: Individuals who purchase firearms on the internet are not subject to background checks.

Facts:

An individual cannot purchase a firearm directly from a firearms retailer over the internet and have that firearm shipped to them directly. An individual can pay for the firearm over the internet at websites and online sporting goods retailers. The firearm, however must be picked up from a federal firearms licensee (''FFL'') such as a gun store. In many cases, this is the brick and mortar store associated with the website where the gun purchase was made. Once at the retail store, the internet purchaser must then fill out the requisite forms, including ATF Form 4473, which initiates the NICS background check process. Thus, an internet purchase of a firearm from a firearms retailer does require a background check.

Individuals, from the same state, are able to advertise and purchase firearms from one another and use the internet to facilitate the transaction. It is unlawful, under current law, to sell or transfer a firearm to an individual who is out-of-state. Any internet sale, even between individuals, that crosses state lines would have to utilize a federal firearms licensee (''FFL''), such as a gun store, and the purchaser would be required to fill out the requisite state and federal paperwork and would undergo a background check.

Myth #4: President Obama's January 5, 2016, executive action on gun control represents landmark change regarding gun control.

Facts:

With few exceptions, President Obama's executive action on firearms is nothing more than rhetoric regarding the status quo. Many senators have long argued for better and more robust enforcement of existing laws that prohibit criminals from owning guns.

It is the current law of the land that anyone engaged in the business of selling firearms must have a federal firearms license. The President's action does not change current law, but merely restates existing court rulings on the meaning of ''engaged in the business.''

Myth #5: The Obama Administration has made firearms enforcement a priority.

Facts:

The Obama Administration has used its limited criminal enforcement resources to focus on clemency for convicted and imprisoned felons, the investigation of police departments, and on civil rights cases. The latter two categories represent important work, but the Department of Justice lost track of one of its core missions of enforcing criminal law: prosecuting violent criminals, including gun criminals.

The Obama Administration is only now making firearms enforcement a priority. Clearly, enforcing the gun laws is a new initiative, or one of the President's actions would not have been informing all of the 93 U.S. Attorneys about it.

Proof of this lack of enforcement is revealed in the decline of weapons related prosecutions during the Obama administration. As data obtained from the Executive Office of United States Attorneys, through a Freedom of Information Act (''FOIA'') request, reveal, firearms prosecutions are down approximately 25 percent under the Obama administration versus the last year of the Bush administration.

Myth #6: Mental health has nothing to do with gun control.

Facts:

People with certain levels of mental illness are not permitted to own guns. Many of the recent mass killings were committed by mentally ill individuals. One of the keys to preventing further mass shootings and violence committed with firearms is addressing the issue of mental health.

Background checks to prevent the mentally ill from obtaining guns can only work if states provide mental health records to the NICS system. Too many states have failed to do so. Many of the worst offenders are states with the most stringent gun control laws. For multiple years now, many members of Congress have repeatedly called for and introduced legislation that would provide incentives for states to submit their mental health records for inclusion in the NICS database.

Myth #7: President Obama's executive action on gun control will thwart criminals' ability to obtain firearms.

Facts:

The President's executive action regarding firearms is focused primarily on individuals who attempt to purchase firearms through the background check process.

Criminals, however, obtain firearms in myriad illegal ways, including home invasion robbery, trading narcotics for firearms, burglary of homes, vehicles, and businesses, as well as straw purchasing.

Grassley legislation, SA 725, was specifically designed to combat the straw purchasing of firearms as well as firearms traffickers who transfer firearms to prohibited individuals and out-of-state residents.

Myth #8: There is a general consensus in America that greater gun control is needed to prevent mass shootings in the United States.

Facts:

Despite the President's statement to the contrary, polls have shown that the majority of Americans do not believe that stricter gun control would reduce the number of mass shootings in the United States.

The American public does not believe that making it harder for law abiding Americans to obtain guns makes America safer. In fact, polls have shown that a majority of Americans thinks the United States would be safer if there were more individuals licensed and trained to carry concealed weapons. A majority opposes re-imposition of the ''assault weapons'' ban.

Myth #9: The terrorist ''no-fly'' list is a proper mechanism to bar Americans from purchasing firearms.—President Barack Obama, January 5, 2016

Facts:

The no-fly list is actually multiple lists, which are generated in secret and controlled by executive branch bureaucrats. The Second Amendment right to bear arms has been determined by the U.S. Supreme Court to be a fundamental right. This puts the right to bear arms in our most closely guarded rights similar to the right to free speech and freedom of religion. It is unconstitutional to deprive an American citizen of their Second Amendment right without notice and an opportunity to be heard.

Myth #10: Gun retailers need to step up and refuse to sell semi-automatic weapons.—President Barack Obama, January 5, 2016

Facts:

There is nothing unlawful about a semi-automatic firearm. A semi-automatic firearm simply means that a round is discharged with each pull of the trigger. These include most shotguns used for waterfowl hunting and rifles commonly used for target shooting.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3140, AS MODIFIED

Ms. COLLINS. Mr. President, I am pleased to join some of my colleagues today to speak about the key role woody biomass can play in helping to meet our Nation's renewable energy needs.

Last night an amendment that several of us offered was adopted by a voice vote. I thank the sponsors of that amendment who have joined with me—Senator KLOBUCHAR, Senator KING, Senator AYOTTE, Senator FRANKEN, Senator DAINES, Senator CRAPO, and Senator RISCH—all of whom worked hard to craft this important amendment.

There has been a great deal of misinformation, regrettably, circulated about the amendment, which I hope we will be able to clarify through a colloquy on the floor today. I know the lead Democratic sponsor of the amendment, Senator KLOBUCHAR, would like to speak on it and has an engagement, so I am going to yield to her before giving my remarks. I thank her for her leadership.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank Senator COLLINS for her leadership and for her illuminating the rest of the Senate. Maybe not everyone has as many trees as we do, and biomass. I appreciate what she has done.

I was proud to cosponsor this bill and be one of the leads on it, with Senator KING. This amendment moves us forward in really recognizing the full benefits of the use of forest biomass as a homegrown energy solution. I also thank Senator CANTWELL and Senator MURKOWSKI for their work on this Energy bill and the inclusion of this amendment—an amendment that encourages interagency coordination to establish consistent policies relating to forest biomass energy.

We have often talked about how we don't want to have just one source of energy, whether hydro, nuclear—you name it. So we want to recognize the importance of this forest biomass energy and talk a little bit about it today.

I sent letters to the EPA and have spoken with administration officials, urging them to adopt a clear biomass accounting framework that is simple to understand and implement. Without clear policies that recognize the carbon benefits—and I will say that again: the carbon benefits—of forest biomass, private investment throughout the biomass supply chain will dry up and the positive momentum we have built toward a more renewable energy future will be lost.

Supporting homegrown energy is an important part in an ''all of the above'' energy strategy. Biomass energy is driving energy innovation in many rural communities. The forest industry in my State and those who work in that industry are already playing a significant role in the biomass energy economy. There is always room to do more.

I appreciate the discussions between my colleagues yesterday on the language of this amendment and am pleased we ultimately—including Senator BOXER's help and others'—found a solution that moves us forward. I know there is interest in continuing these conversations, and I look forward to doing so.

I thank Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Minnesota for her leadership.

I, too, want to thank the two floor managers of this bill, the chairman, Senator MURKOWSKI, and her partner, Senator CANTWELL, for working so closely with us.

The fact is that biomass energy is a sustainable, responsible, renewable, and economically significant energy source. Many States, including mine, are already relying on biomass to help meet their renewable energy goals. Renewable biomass produces the benefits of establishing jobs, boosting economic growth, and helping us to meet our Nation's energy needs. Our amendment supports this carbon-neutral energy source as an essential part of our Nation's energy future.

The amendment, which was adopted last night, is very straightforward. It simply requires the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency to jointly ensure that Federal policy relating to forest bioenergy is consistent and not contradictory and that the full benefits of forest biomass for energy, conservation, and responsible forest management are recognized.

It concerns me greatly that some have suggested that our amendment would somehow result in substantial damage to our forests and the environment. Nothing could be further from the truth. Forests in the United States are robust and sustainably managed, and climate science has consistently and clearly documented the carbon benefits of utilizing forest biomass for energy production. Moreover, healthy markets for biomass and forest products actually help conserve forest land and keep our working forests in this country.

Our amendment also echos the principles outlined in a June 2015 bipartisan letter that was led by Senator MERKLEY and myself and was signed by 46 Senators from both sides of the aisle. Our letter stated: Our constituents employed in the biomass supply chain deserve federal policy that recognizes the clear benefits of forest bioenergy. We urge you to ensure that federal policies are consistent and reflect the carbon neutrality of forest bioenergy.

In response to our letter, the administration noted that ''DOE, EPA, and USDA will work together to ensure that biomass energy plays a role in America's clean energy future.''

That is precisely the importance of our amendment, to make sure that happens.

The carbon neutrality of biomass harvested from sustainably managed forests has been recognized repeatedly by numerous studies, agencies, institutions, and rules around the world.

Carbon-neutral biomass energy derived from the residuals of forest products manufacturing has climate benefits. Scientists have confirmed that the ongoing use of manufacturing residuals for energy in the forest products industry has been yielding net climate benefits for many years. These residuals, such as bark and sawdust, replace the need for fossil fuels and provide significant greenhouse gas benefits, which some scientists have estimated to be the equivalent of removing approximately 35 million cars from the roads.

As forests grow, carbon dioxide is removed from the atmosphere through photosynthesis. This carbon dioxide is converted into organic carbon and stored in woody biomass. Trees release the stored carbon when they die, decay, or are combusted. As the biomass releases carbon as carbon dioxide, the carbon cycle is completed. The carbon in biomass will return to the atmosphere regardless of whether it is burned for energy, allowed to biodegrade, or lost in a forest fire.

In November of 2014, 100 nationally recognized forest scientists, representing 80 universities, wrote to the EPA stating the long-term carbon benefits of forest bioenergy. This group weighed a comprehensive synthesis of the best peer-reviewed science and affirmed the carbon benefits of biomass.

A literature review of forest carbon science that appeared in the November 2014 ''Journal of Forestry'' confirms that ''wood products and energy resources derived from forests have the potential to play an important and ongoing role in mitigating greenhouse gas (GHG) emissions.''

So Federal policies for the use of clean, renewable energy solutions, including biomass, should be clear and simple and reflect these principles.

We should not have Federal agencies with inconsistent policies when it comes to such an important issue. Again, I want to thank the sponsors and cosponsors of my bill, my amendment, as well as the chairman and the ranking member of the Energy Committee for their cooperation in getting the amendment adopted last night.

I would like to yield to my colleague from Maine Senator KING, who made this a tripartisan amendment when we offered it.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, as usual, my senior colleague from Maine has outlined this issue exceptionally well and covered the important points. I wish to add and amplify a few.

The first thing I would say is that I yield to no person in this body in terms of their commitment to the environment, their commitment to ending our dependence upon fossil fuel, and our facing of the challenge of climate change. This biomass discussion is a way of helping with that problem rather than hindering it. The important term in all of this discussion is the word ''fossil.''

The issue we are facing now with climate change and with increased CO_2 in the atmosphere is because we are releasing CO_2. We are releasing carbon that has been trapped in the Earth's crust for millions of years, and we are adding to the carbon budget of the atmosphere.

Biomass is carbon that is already here. It is already in the environment. It is in the trees. It is simply being circulated, and there is no net addition of carbon to the atmosphere because of the use of biomass. I have been in the renewable energy business now for more than 30 years and have worked in hydro, biomass, energy conservation on a large scale and wind power. So I have some background in this. A biomass plant typically burns fuel that would not otherwise enter into the economic stream of timber. It is often bark, mill waste, ends of logs, branches—the kind of thing that otherwise lies on the forest floor, dies and decays and releases carbon. There is no net addition of carbon.

To be intellectually honest, you have to say that burning it releases that carbon so much sooner than it would otherwise be released, but in the overall term we are talking about a renewable resource.

In New England and I suspect around the country—I know in Maine—there are substantially more trees in the forest today than there were 150 years ago because of the number of farms that have been returned to their natural state of forestry. That has given us an opportunity to develop an energy source that is a lot more safe and supportive of the environment than the other fossil fuel elements we have seen that have contributed to the CO_2 problem in this country.

I think this is a commonsense amendment. It basically tries to get the Federal Government on the same page on this issue consistently across the agencies. It makes the point that as long as we are talking about sustainable management, we are talking about what amounts to a continuous renewable resource. We are not adding to the carbon burden of the atmosphere, and therefore I think this is a commonsense amendment that will not set back our efforts with regard to climate change but will actually advance them.

I am happy to support this amendment, to support my colleague from Maine. I think this is the kind of commonsense amendment that actually belongs. It is a very important part of this bill. It strengthens it considerably, in my view. I want to again thank my senior colleague for bringing this bill forward.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank my friend and colleague from Maine. He has enormous expertise in the area of renewable energy, and I very much appreciate his adding his expertise to this debate.

Before I yield the floor, I ask unanimous consent to have printed in the RECORD a letter dated June 30, 2015, and signed by 46 Senators, on this very issue, that was addressed to the Administrator of the EPA, the Secretary of Energy, and the Secretary of Agriculture.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, June 30, 2015.

Hon. GINA MCCARTHY,
Administrator, Environmental Protection Agency, Washington, DC.
Hon. DR. ERNEST MONIZ,
Secretary, U.S. Department of Energy, Washington, DC.
Hon. TOM VILSACK,
Secretary, U.S. Department of Agriculture, Washington, DC.

DEAR ADMINISTRATOR MCCARTHY, SECRETARY MONIZ, AND SECRETARY VILSACK: We write to support biomass energy as a sustainable, responsible, renewable, and economically significant energy source. Federal policies across all departments and agencies must remove any uncertainties and contradictions through a clear, unambiguous message that forest bioenergy is part of the nation's energy future.

Many states are relying on renewable biomass to meet their energy goals, and we support renewable biomass to create jobs and economic growth while meeting our nation's energy needs. A comprehensive science, technical, and legal administrative record supports a clear and simple policy establishing the benefits of energy from forest biomass. Federal policies that add unnecessary costs and complexity will discourage rather than encourage investment in working forests, harvesting operations, bioenergy, wood products, and paper manufacturing. Unclear or contradictory signals from federal agencies could discourage biomass utilization as an energy solution.

The carbon neutrality of forest biomass has been recognized repeatedly by numerous studies, agencies, institutions, legislation, and rules around the world, and there has been no dispute about the carbon neutrality of biomass derived from residuals of forest products manufacturing and agriculture. Our constituents employed in the biomass supply chain deserve a federal policy that recognizes the clear benefits of forest bioenergy. We urge you to ensure that federal policies are consistent and reflect the carbon neutrality of forest bioenergy.

Sincerely,

Susan M. Collins; Jeff Merkley; Kelly Ayotte; Roy Blunt; John Boozman; Richard Burr; Shelley Moore Capito; Bill Cassidy; Thad Cochran; John Cornyn; Tammy Baldwin; Sherrod Brown; Robert P. Casey, Jr.; Joe Donnelly; Dianne Feinstein.

Al Franken; Tim Kaine; Angus S. King, Jr.; Tom Cotton; Mike Crapo; Steve Daines; Cory Gardner; Lindsey Graham; Johnny Isakson; Ron Johnson; David Perdue; Amy Klobuchar; Joe Manchin, III; Barbara A, Mikulski; Claire A. McCaskill.

Patty Murray; Bill Nelson; Jeanne Shaheen; Debbie Stabenow; Rob Portman; James E. Risch; Jeff Sessions; John Thune; Thom Tillis; David Vitter; Jon Tester; Mark R. Warner; Tim Scott; Richard C. Shelby; Patrick J. Toomey; Roger Wicker.

United States Senators.

Ms. COLLINS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am delighted to join the two Senators from Maine—Senator COLLINS and Senator ANGUS KING—in this dialogue, as well as Senator KLOBUCHAR. I believe a few other Senators may join us.

Senator COLLINS has been a great leader in advancing the debate or the conversation recognizing the carbon benefits of biomass. Her State and of course Senator KING's State is so much like Oregon. If you fold the map of the United States in the middle and put east and west on top of each other, Oregon and Maine end up closely associated. We have similar coastlines. We have shellfish industries. We have timber industries. We have salmon runs. We having similar initiative systems and our largest cities are named Portland.

I know that when I had the pleasure to visit Maine—and I went there with my wife and children to visit friends from many walks of our two lives, my wife's life and my life—we went from town to town visiting these friends who moved to Maine. We picked up a newspaper, and we felt like we were right at home in Oregon. The same initiatives were being done at that time in the State as we had on the front page back home.

This issue of biomass is close to our hearts in the forests of the Northeast and in the forests of the Northwest. When I first came to the Senate and the conversation was going forward about renewable energy, Senator Dorgan from North Dakota—now retired—said that his home State was the Saudi Arabia of wind energy. I heard Senator REID from Nevada say Nevada is the Saudi Arabia of solar power. There was a county commissioner from Douglas County—the county I was born in—which has the largest concentration of Douglas fir trees, its enormous biomass area—who referred to how Douglas County can be the Saudi Arabia of biomass energy. I thought, with all these Saudi Arabians in the United States, why are we still importing oil from Saudi Arabia? But indeed these efforts to develop an alternative to pivot from fossil fuels to a clean energy economy should include solar, should include wind, and should include biomass.

When I came to the Senate, I undertook the project of helping the Environmental Protection Agency recognize that you have to look at the life cycle. You can't simply look at the moment of combustion. You can't compare coal being burned in a coal furnace or oil in an oil furnace and say that is equivalent to wood being burned in a biomass furnace because, indeed, as you take that biomass, that wood, you are engaged in a life cycle that doesn't involve bringing more carbon out of the Earth and adding it to the cycle of ground. Our colleague, ANGUS KING from Maine, was referring to that difference earlier in his comments.

It has been an effort to make sure our government takes account of this significant contribution of forest biomass. In the Northwest, the biomass is the potential for a win-win as a renewable source and improving forest health, and Senator COLLINS was referring to the goals of responsible forest management and conservation.

Indeed, if you drive along the roads in our national forests in my home State, you will see slash piles. These piles are there because as we go through for forest health, we thin the trees. If they are good saw logs, we take them off to the mill, but the debris remains, and we put them into piles. The goal is to remove those piles, but often there is no economical way to remove those piles, and then you have to burn them in the forest.

A couple of months ago I was in the forest in Southern Oregon with a torch, lighting fire to these piles. In this case it was an area where there is often a temperature inversion and you get smog from the smoke. They only can be burned a couple days a year. It is a big challenge. Isn't it so much better to be able to take those piles of biomass and put them to work instead of burning them in the forest? Burn them in a situation that produces heat and electricity. That is a win-win outcome.

So when you hear people in the Northwest talk about forest biomass, there is a lot of excitement about how to grow this market, a market that has the means of improving the health of our forests while providing renewable energy. On private lands a growing domestic biomass market also has the potential to create a new value stream for our forest landowners. By adding another value stream for forest landowners, biomass can create incentives to keep forestland as forests and avoid conversion to a nonforest use.

The modification made to Senator COLLINS' amendment reflects this dynamic, that one of the contributions to emissions in the forest sector is actually the conversion of forestland and nonforest use because trees are no longer there to sequester carbon. So if we can help prevent this, that is a beneficial side effect of this overall effort on biomass, to amplify the role of the forest, not to remove them.

The most important example that has been brought up as a concern that doesn't fit this model of conservation or burning the byproducts is whether entire forests might be ground up and used to create pellets and so forth. I believe—and I certainly will be corrected if I am wrong—that certainly is not the framework in which this amendment is crafted with the dedication to enhancing the health of our forests and energy and forest conservation.

I think this amendment sends a clear signal to EPA that in many cases forest biomass is carbon neutral and should be treated as such. It reinforces the conversation we have been having since I came here over the last 7 years and earlier with Senator COLLINS' hard work.

When EPA takes regulatory action, it should reflect the opportunities where biomass is carbon neutral. In fact, policies like the Clean Power Plan should provide an incentive for forest biomass that is carbon neutral.

I look forward to continuing to work with my colleagues on this topic because this is a very significant win-win opportunity for energy, for the environment, and those are the type of opportunities we should seize.

Ms. CANTWELL. Mr. President, yesterday, the Senate passed an amendment from Senators COLLINS and KLOBUCHAR to promote biomass energy.

I would like to take a couple minutes to express my support for biomass energy.

Using biomass to create energy can be significantly better than using coal. I think it is great that people use wood to heat their homes, instead of heating with fossil fuels—like oil—particularly, when they do so with clean-burning, EPA-certified wood stoves or pellet stoves, particularly, when the stoves are produced by great companies—like QuadraFire, based in Colville, WA.

Professors at University of Washington have emphasized the need for such an amendment to encourage the development of new emission-reducing energy facilities that use the types of biomass that will achieve our country's renewable energy and climate mitigation goals.

Last October, EPA recognized that the use of some biomass can play an important role in controlling increases of CO_2 levels in our atmosphere. EPA stated that the use of some types of biomass can potentially offer a wide range of environmental benefits, aside from the important carbon benefits.

We have a wildfire problem in this country, and we need to encourage markets for the small trees, slash, and brush that we want to remove from our most at-risk forests. According to the EPA, the growth in U.S. forests offsets 13 percent of total U.S. CO_2 emissions annually. But the Global Climate Change Office at USDA has reported that increasing wildfires are transforming our forests from ''carbon sinks'' to ''carbon sources.'' We clearly need to treat some of our forests, and we should use the biomass that is generated. We also know we also need energy.

But I think we need to continue to look at the ''highest and best use'' philosophy when talking about biomass. Clearly, trees filtering water and providing wildlife habitat is a best use. Clear-cutting our forests and burning whole trees for electricity is not a good use. But burning industrial or harvesting waste for energy is a good use.

I am excited that EPA is currently developing a world leading accounting framework for biomass-generated emissions, and we are counting on them to finish this.

I also want to say that cross-laminated timber is a particularly important ''good'' use of biomass. Building with wood uses less carbon than concrete, and CLT explicitly stores carbon, which in terms of our carbon balance is better than simply burning it.

We agree that some biomass is clearly ''carbon neutral'' and some biomass is not ''carbon neutral.'' A study by the National Council for Air and Stream Improvement showed that mills using biomass residuals avoid 181 million tons of CO_2 emissions. That is equivalent to removing 35 million cars from the road.

When we modified the amendment yesterday, we did so to make clear that the direction to the agencies was to establish biomass energy policies that are carbon neutral. Regrowing trees to replace those cut to produce energy is ''carbon neutral.''

But clear-cutting forests and burning them in power plants can lead to increases in atmospheric carbon levels for decades—especially when owners then sell their cut forests for housing developments, this is clearly not ''carbon neutral.'' The trees need to grow back and the forest to stay working in order to replace the carbon taken. That is why we specifically modified the amendment, prior to voting on it, to ensure we are encouraging forest owners to keep their lands in forests.

Senator MARKEY is another leading voice in our carbon conversation, and I am looking forward to hearing his remarks.

Mr. MARKEY. Mr. President, I want to thank Senator CANTWELL for her tireless work on this Energy bill and for her help in improving the biomass amendment that the Senate adopted last night.

Biomass energy is already contributing to the U.S. energy mix in ways that help reduce carbon pollution that causes global warming.

There are great examples of electricity generation coming from wood residues like at the Fort Drum Army installation in New York and the Gainesville Renewable Energy Center in Florida. Both of these projects have included efforts to ensure that their biomass material promotes land stewardship and responsible forestry practices. Projects like these are generating biomass electricity, jobs, and economic value in their local communities.

These are the type of projects that we need to encourage to meet the climate change challenge.

But not all biomass energy is created equal. I understand the amendment's intent to support biomass energy that is determined to be carbon neutral.

I appreciate the modifications made to the amendment to ensure that U.S. bioenergy policy is not encouraging conversion of forest lands to non-forest uses. This protection is important to acknowledge.

But it is also important to acknowledge that the timeframe for any climate benefits from biomass energy can vary. In many instances that timeframe can be very long—on the order of 50 to 100 years.

Some practices like clear-cutting forests and burning whole trees for energy should never be considered carbon neutral.

That is why it is critical to incorporate what science tells us about forests and their interaction with the global carbon cycle into policies governing biomass energy.

EPA has a scientific advisory board working on this issue of bioenergy carbon accounting right now. They will have a meeting in April to hear from stakeholders about their experience in using biomass to reduce carbon pollution. The results of the advisory board's work will be crucial to inform policy across agencies.

It is important to have agencies working together on cross-cutting issues like this one. But efforts to make policies more consistent across Federal agencies shouldn't interfere with individual agency's statutory responsibilities. The amendment should not be interpreted as enabling one agency to block another agency's rulemaking or guidance.

I want to thank Senators COLLINS, KLOBUCHAR, KING, and the other cosponsors of the amendment for working with other concerned Senators like myself on modifications to improve the amendment. I look forward to continuing working with them to ensure that the United States has a smart, sustainable, and scientifically backed policy for biomass energy.

Mr. LEAHY. Mr. President, the U.S. Senate is currently considering sweeping legislation to modernize the Nation's energy sector. Despite its laudable goals, it leaves one area unaddressed. The bill does nothing to stop corporate bad actors, including those in the energy sector, from simply writing off their egregious misconduct as a cost of doing business. Today I am submitting a commonsense amendment to close a tax loophole that forces hard-working Americans to subsidize corporate wrongdoing.

Under current law, a corporation can deduct the cost of court-ordered punitive damages as an ''ordinary'' business expense. For the victims who have already paid the price for extreme corporate misconduct, there is nothing ''ordinary'' about this at all. It is simply wrong. It offends our most basic notions of justice and fair play. Punitive damage awards are designed to punish wrongdoers for the reprehensible harm that they cause and to deter would-be bad actors from repeating similar mistakes. Today a company can simply hire a team of lawyers and accountants to deduct this punishment from the taxes the company owes. My amendment would end this offensive practice with a simple fix to our Tax Code.

Let us not forget that our energy sector has been plagued with companies that have recklessly destroyed environments and harmed communities with impunity. In 1994, a jury awarded $5 billion in punitive damages against Exxon for the Valdez spill in Alaska. This oil spill devastated an entire region, the livelihoods of its people, and a way of life. After Exxon paid whiteshoe law firms to fight these damages in the courts for 14 years, it successfully brought its damages down to $500 million. Then, adding insult to injury, Exxon used the Federal Tax Code to write off its punitive damages as nothing more than an ''ordinary'' business expense.

In 2010, the Deepwater Horizon drilling rig exploded, and 11 Americans were killed in the worst oil spill in American history. That same year, an explosion in the Upper Big Branch Mine in West Virginia claimed the lives of 29 miners. If forced to pay punitive damages for their misconduct, these companies could also write off that expense.

The Obama administration has requested eliminating this tax deduction in its budget proposals. Our very own Joint Committee on Taxation has estimated that closing this loophole would save taxpayers more than $400 million over 10 years. If we don't change the law, our deficit will grow by nearly half a billion dollars because we allowed taxpayers to subsidize the worst corporate actors. By failing to act, we are sending the message that pillaging our environment is an encouraged, tax-deductible behavior. This amendment makes fiscal sense, and it is common sense.

Vermonters and Americans are tired of seeing giant corporations getting special treatment under the law—and paying for their reckless mistakes. It should shock the conscience to know that current law compels taxpayers to effectively subsidize the malfeasance of the worst corporate actors. My amendment would change this unacceptable status quo. I urge Senators to support my amendment.

Ms. COLLINS. Mr. President, I wish to speak on my amendment No. 3197, to increase the protection of our critical infrastructure in the electric sector from a debilitating cyber attack. I am pleased to have Senators MIKULSKI and HIRONO join me as cosponsors.

Critical infrastructure refers to entities that are vital to the safety, health, and economic well-being of the American people, such as the major utilities that run the Nation's electric grid, the national air transportation system that moves passengers and cargo safely from one location to another, and the elements of the financial sector that ensure the $14 trillion in payments made every day are securely routed through the banking system.

The underlying bill includes several provisions that I support to improve the cyber posture of the U.S. electric grid. These include giving the Secretary of Energy new authority to take actions to protect the grid in the event of an emergency and establishing new programs to reduce vulnerabilities and improve collaboration among the Department of Energy, national labs, and private industry.

The underlying bill, however, makes no distinction between the vast majority of local or regional utilities and the very few entities that are so key to the electric grid that they could debilitate the U.S. economy and our way of life if they were attacked.

The Department of Homeland Security has identified the critical infrastructure entities at greatest risk of resulting in catastrophic harm if they were the targets of a successful cyber attack.

While the entire list includes fewer than 65 entities across all sectors of the economy, it warrants our special attention because there is ample evidence, both classified and unclassified, that demonstrates the threat facing critical infrastructure, including our energy sector.

Indeed, the committee report accompanying this bill notes that one-third of reported cyber attacks involve the energy sector.

The amendment I have filed to this energy policy bill would only affect those entities on the list that are already subject to the oversight of the Federal Energy Regulatory Commission, known as FERC.

Our amendment would require FERC to identify and propose actions that would reduce, to the greatest extent practicable, the likelihood that a cyber attack on one of these entities would result in catastrophic harm.

By ''catastrophic harm,'' the Department of Homeland Security means a single cyber attack that would likely result in 2,500 deaths, $50 billion in economic damage, or a severe degradation of our national security. In other words, if one of these entities upon which we depend each day were attacked, the results would be devastating.

The Director of National Intelligence, Jim Clapper, has testified that the greatest threat facing our country is in cyber space and that the number one cyber challenge concerning him is an attack on our Nation's critical infrastructure.

His assessment is backed up by several intrusions into the industrial controls of critical infrastructure. Since

2009, the Wall Street Journal has published reports regarding efforts by foreign adversaries, such as China, Russia, and Iran, to leave behind software on American critical infrastructure and to disrupt U.S. banks through cyber intrusions.

Multiple natural gas pipeline companies were the target of a sophisticated cyber intrusion campaign beginning in December 2011, and Saudi Arabia's oil company, Aramco, was subject to a destructive cyber attack in 2012.

In an incident that is still not fully understood, 700,000 Ukrainians lost power in December due to an attack that Ukrainian authorities and many journalists have ascribed to Russian hackers.

In a hearing of the Intelligence Committee last summer, I asked Admiral Rogers, the Director of the National Security Agency, which is responsible for cyber space, how prepared our country was for a cyber attack against our critical infrastructure. He replied that we are at a ''5 or 6.''

Last month, the Deputy Director of the NSA, Richard Ledgett, was asked during a CNN interview if foreign actors already have the capability of shutting down key U.S. infrastructure, such as the financial sector, energy, transportation, and air traffic control. His response? ''Absolutely.''

When it comes to cyber security, ignorance is not bliss. The amendment we have filed would take the common sense approach of requiring the Federal agency responsible for the cyber security of the electric grid to collaborate with the entities that matter most and to propose actions that can reduce the risk of a catastrophic attack that could cause thousands of deaths, a devastating blow to our economy or national defense, or all of these terrible consequences.

Congress has previously missed opportunities to improve our Nation's cyber preparedness before a ''cyber 9/11'' eventually occurs. We should not repeat that mistake.

I urge my colleagues to support this vital, bipartisan amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I would be remiss if I didn't rise during this debate on energy to address the administration's continuing efforts to wear down America's coal industry. As the Senate considers reform of our Nation's energy infrastructure, the importance of coal to America's energy portfolio simply cannot be understated, and unfortunately neither can this administration's deliberate attempts to use Executive power to put the coal industry out of business.

This administration has made no secret of its disdain for fossil fuels and has unleashed a series of policies intended to subvert reliable, affordable, traditional energy sources, such as oil and natural gas, in favor of valuable but more expensive and less reliable renewable resources.

We have a lot of wind in Wyoming. In fact, the first wind turbines were put in and the rotors blew off until they discovered they couldn't turn them into the wind at 80 miles an hour. But even though we have a lot of wind—I guess Wyoming could be called the Saudi Arabia of wind and solar, coal, oil, natural gas, and uranium—we have found that sometimes the wind doesn't blow, and we have found that sometimes the Sun doesn't shine and sometimes the wind doesn't blow when the Sun isn't shining, and that creates a problem unless you have alternate fuels.

Coal is at the center of that regulatory battle. The war on coal is not only an affront to coal producers in my home State of Wyoming but to energy consumers across America. Let me explain how the administration's war on coal affects Americans across the country with this chart.

According to the Energy Information Administration, 39 percent of the electricity in the United States was generated by coal in 2014. The only other energy source that comes close to coal for energy production is natural gas, at 27 percent. We need to ask ourselves: If we allow the administration to kill the coal industry, what energy source is going to take its place and provide our constituents with the energy they need? It is actually the only stockpilable resource we have.

This issue hits close to home for me because approximately 40 percent of the country's coal is produced in my home State of Wyoming. Actually, 40 percent is produced in my home county of Campbell County, WY. According to the National Mining Association, coal supports more than 27,000 jobs in my State. Now, 27,000 probably doesn't sound like a lot in California, Washington, DC, New York, or even Texas, but that is 9 percent of our state's workforce. Nine percent of our workforce has jobs related to coal, and they are good-paying jobs. These jobs pay an average of about $81,500 a year. Multiply that by 27,000 jobs, and we are talking about billions. Let me be clear. This isn't just an issue for Wyoming or other coal-producing States. The Wyoming Mining Association reported that in 2014, 30 States received coal from Wyoming's mines.

The area depicted in red on this chart are the States that receive Wyoming coal, but that doesn't mean some States don't also receive electricity produced in Wyoming from coal. Those States include California, Utah, and Idaho. And, of course on this carbon issue, Wyoming is forced to account for the carbon that produces the energy these other states consume.

The second chart shows that if you represent Texas, Illinois, or Missouri, you should be worried about the coal industry because in 2014 each of those States received more than 10 percent of Wyoming's coal. Wisconsin, Iowa, Kansas, Arkansas, Oklahoma, and Michigan each got about 5 percent of Wyoming's coal. Wyoming's coal was also distributed to Nebraska, Georgia, Alabama, Colorado, Louisiana, Tennessee, Minnesota, Oregon, Washington, New York, and Arizona. If I didn't list your State, don't think the stability and success of the coal industry doesn't affect you. Ten other States and foreign entities also received Wyoming's coal.

All of these numbers and stats boil down to this: Most of America's energy is powered by coal, and policies that raise the price of coal will hurt industries and households across the country. They will cost jobs in our country and will cause people to have higher utility bills. Unfortunately, the administration is either oblivious or unconcerned with this correlation, as evidenced by the Department of Interior's recent announcement that they will block most new Federal coal leases in order to conduct a programmatic environmental impact statement on coal development on Federal lands.

About 40 percent of our Nation's coal is produced by the Federal coal leasing program. Under that program, which is managed by the Department of Interior, private entities compete for the right to lease and mine the coal mineral estate owned by the Federal Government. After a rigorous multiyear application and land-use planning process, lessees are given an opportunity to mine coal on public land. Again, that is a rigorous, multiyear application process that can and does drag on for years. In return, those companies pay BLM a bonus bid, which is an upfront fee for the right to mine. Besides that, they also pay an annual land rental payment and they pay an additional royalty on the value of the coal after it is mined. Surface mines pay a royalty of 12.5 percent and underground mines pay a royalty of 8 percent. These revenues are shared by the Federal Government and the States in which the coal was mined.

This program, which began in 1920, has been a tremendously successful way to provide affordable energy to the Nation, provide jobs in places such as Wyoming's Powder River Basin, where 85 percent of all Federal coal is mined, and it provides value to the government. According to the BLM—the Bureau of Land Management—the Federal coal leasing program has generated well over $1 billion a year for the last 10 years: $7.9 billion in royalties and an additional $4 billion in rent, bonus bid payments and other fees. Again, that is money that coal leasing earns for the Federal Government—a stark contrast to most Federal programs. That doesn't even mention the taxes that are paid by the workers who mine the coal, but if we eliminate their jobs, that money is not coming in either.

This administration has announced plans to halt new Federal coal leases while it takes years to study the value and efficacy of the program. This Department of Interior rule has the potential to economically devastate my home State of Wyoming and send energy prices around the country through the roof.

The BLM laid the foundation for this farce last summer when it staged a series of listening sessions. I went to the session in Gillette, WY, and based on the administration's recent announcement, I don't think the BLM was listening very closely. If they were, they would know that American taxpayers are already receiving a fair return on coal resources.

One gentleman, who told the BLM his story, moved to Wyoming to be a coal miner. He spoke with pride about his job. He was worried that the job that has allowed him to raise three children will no longer exist if the BLM raises royalty rates.

The owner of a small business not directly related to the coal industry told her story. She was worried about the ripple effect raising royalty rates would have on Campbell County and the State of Wyoming. As a mom, she also told the BLM about the direct support coal companies provide her community through social service agencies, community events, and youth activities. She didn't want to see her kids lose that support.

The benefits she referenced are a reflection of the $1.14 billion in tax and fee revenues the State of Wyoming collected from the coal industry in 2014. This is money which the State critically relies on to fund things such as schools, highways, and community colleges across the State. Wyoming state lawmakers are going through a process right now to try to figure out how to make up for the lost revenue just from last year. They are making drastic budget cuts which we wouldn't even consider here at the Federal Government even though the State of Wyoming is in better financial shape than the Federal Government.

I mentioned the Gillette woman who is the owner of a small business that is not directly related to the coal industry. She said her business is down by 60 percent. That is almost two-thirds less revenue than what she would have had, which means, of course, that it affects some other jobs in the community. So there is a huge ripple effect to all of this.

Despite these and dozens of similar stories, the administration announced that they need to shut down Federal coal leases and conduct a study to determine if taxpayers are getting a fair return on the Federal coal leasing program. For quite a while now, the resulting revenue coal producers and companies got to keep was less than what they were paying in taxes. If the BLM would have truly listened to the folks in Gillette last summer, they would already know the answer to this. Instead, they have gone forward with a plan to cripple the coal industry and make energy more expensive. In the words of Wyoming's Governor Matt Mead, ''Not only will [Interior's new rule] hurt miners and all businesses that support coal mining, it will take away the competitive advantage coal provides to every U.S. citizen.'' When it is part of the energy mix, it affects the other energy prices as well.

As we debate energy policy reforms in the coming days, it isn't just the fate of coal that should concern us. Interior's Federal coal leasing review is just the latest in a string of regulations aimed at driving fossil fuel industries out of business. The administration has also proposed a new methane flaring rule aimed at discouraging oil and gas leasing on Federal lands.

This Chamber has spoken clearly in rejecting rules such as the Clean Power Plan and the Waters of the United States, but the administration continues its regulatory war on energy. As we consider energy policy reforms, we need to make sure we are protecting the resources that have and can continue to power America, and that has to include coal.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I ask to speak as in morning business.

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

Mr. MANCHIN. Upon my completion, I ask unanimous consent that Senator HELLER be recognized.

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

PRESCRIPTION DRUG ABUSE

Mr. MANCHIN. Mr. President, I rise today to speak for the millions of Americans impacted by prescription drug abuse, particularly those in my home State of West Virginia, where 600 lives are lost every year to opioids. I believe the FDA must start taking prescription drug abuse seriously, and that will not happen without a cultural change in the agency.

The Presiding Officer and I are taking on this issue in the drug prevention caucus and addressing how opioids have affected South Carolina, West Virginia, and the effect the epidemic has had on all of America. We have seen too many examples of the FDA standing in the way of efforts to address the opioid abuse epidemic.

If you look at this chart, you can see the rise in deaths over the last 15 years and what it has done to our country and our States. It is unbelievable and unacceptable. We have been able to face and cure every other epidemic in this country. We seem to be keeping this one out of sight and out of mind.

The FDA delayed for years before finally agreeing to reschedule hydrocodone. My first 3 years in the Senate were consumed by getting the FDA to come around on this important step. Since the change went into effect, we have seen a number of prescriptions for combination hydrocodone products, such as Vicodin and Lortab, fall by 22 percent. That is over 1 billion pills not being put on the market.

After finally taking that step, to add insult to injury after taking so long to reschedule this from a schedule III to a schedule II, the FDA approved the dangerous drug Zohydro even after its own experts voted 11 to 2 against it. This drug has 10 times the hydrocodone of Vicodin and Lortab and has the capability of killing an individual with just two tablets. Can you imagine? Just recently, the FDA outrageously approved OxyContin for use for children as young as 11 years old. This decision means that Pharma is now legally allowed to advertise OxyContin to pediatricians under certain circumstances. We have seen this story before. We have seen the devastating impact of this type of advertising, and we have years of evidence that shows that drug use at an early age will make a child more likely to abuse drugs later in life. These decisions by the FDA are horrifying examples of the disconnect between the FDA's actions and the realities of this deadly epidemic.

Leaders at the FDA, including the director of the division that oversees opioids, are now actively working against the Centers for Disease Control's efforts to reform prescribing guidelines, which represents a reasonable, commonsense approach to help doctors take into account the very real and prevalent danger of addiction and overdose when prescribing opioids. We have found out there is very little education done. Doctors aren't required to cover this as they go through medical school. Most will tell you they have less than 1 week of schooling for this.

That is why last week I announced that I will filibuster any effort to confirm Dr. Robert Califf. This is a good man with a stellar reputation, but he just comes from the wrong end of this crisis for which we have to make the changes that need to be made. That is all I have said: Give us someone who is passionate about the change. The change must come from the top of the FDA.

We need a cultural overhaul of the FDA. When we have the FDA fighting the CDC—the CDC is making recommendations for new guidelines of how drugs are prescribed and how we should protect the public, and the FDA is really taking the position that, no, what pharmaceuticals are putting out is something that we need as a product. It is a business plan. I am sorry, I cannot accept that, and I truly believe there needs to be a cultural change, and that starts at the top.

Over the past week my office has been absolutely flooded with stories from West Virginians who want their voices to be heard. And, as I said, we need to make this real, and it will not be unless I can bring to my colleagues the real-life stories of the tragedies that people are enduring because of the prescription abuse that goes on.

These letters have come from children who have seen their parents die from an overdose; grandparents who have been forced to raise their grandchildren when their kids went to jail, rehab, and the grave; and teachers and religious leaders who have seen their communities devastated by prescription drug abuse. These people need help

from the FDA. They count on this regulatory committee—the Federal Drug Administration—to do what should be done to protect millions of Americans across the United States, as well as those who have been affected.

I am going to read a story and basically bring a person's life to my colleagues—an opportunity to see what happens in a daily situation in an abusive scenario. The first story I wish to read comes from a West Virginian by the name of Haley. Haley lives in Princeton, WV, which is in the southern part, and she is a teacher in Beckley, WV. She is married and has a baby who is about to turn 1. This is Haley's story:

Prescription drug addiction destroyed my childhood. Thanks to prescription drug abuse, I grew up much too quickly and still have trust issues today. My mom's one true love was Xanax and I will always come in second or after that, no matter what.

When I was in fifth grade, my mom went to rehab two hours away from me. My parents are divorced and my step dad worked on the road, so I stayed with my grandparents. We visited my mom on the weekends and I didn't really understand why she was there. None of it made any sense to me and I just wanted my mom. One day, we received a phone call stating that she had checked herself out and we had no idea where she was for about 24 hours. This wasn't the first time my mom had unsuccessfully tried rehab and it would not be her last.

There were times when I would get home from school and have no idea where my mother was, so my grandma and I would have to drive around and search for her. We would eventually find her passed out at one of her ''friends'' houses.

There is one particular memory that traumatized me and is forever engrained in my memory. I was 10 years old when we found my mom. She was too high to even walk on her own. My 70-year-old grandmother and I had to virtually carry her to the car. When she got home, I took her shoes off so I could put her to bed. I remember being sick to my stomach with worry when I took off her shoe to find a sock completely soaked with blood. She had apparently stepped on glass and hadn't even felt the cut because she was too high on pain pills. This is something no one, especially an innocent 10-year-old, should have to deal with.

My 12th birthday was the worst birthday of my entire life. I was supposed to have a pool party, but my mom did not show up to pay for it, so my 16-year-old sister had to step in. There was no food or drinks because my mom was supposed to handle all of that for me. When she finally showed up at the end of my party, equipped with her unbelievable excuses, her eyes were bloodshot and rolling around in her head. I was hurt, but I was mostly embarrassed that people felt so sorry for me. Everyone knew my mom was a drug addict and everyone always pitied my sister and me for the life we had to live. Yet again, my mother chose her beloved high over me.

My mom's battle with drug addiction did not stop there. She went on to rehab again and jail several more times. When she wasn't home, I would search her room and find Xanax, Lortab, Oxycodone, and many other unknown pills. Nearby, I would always find cut up straws or even parts of a tampon applicator. She was creative, to say the least. When I was in 9th grade, my mom went to jail for stealing. She would get super high and then go into stores and steal ridiculous things like hair scrunchies, makeup, and whatever else she could get her hands on. I didn't know she was going to jail until two days before she left. She had been depressed and in her bed sick (probably going through withdrawal) for several days. She finally told me that she would be going to jail the day after Christmas. Once again, I would be without a mom. She was in jail the remainder of my 9th grade year until the end of my 10th grade year. I don't know how I passed the 9th grade. I failed almost every class except English and I would have failed that one too if it hadn't been for such an amazing teacher who helped me overcome so much.

My mom went to jail for stealing again while I was in college, and my ex boyfriend had to bail her out of jail. I had a baby via C-Section less than a year ago. My mom and I were starting to have a relationship for the first time in my entire life, but drug addiction would soon ruin it for the millionth time. I was given pain medicine after having my baby and I was terrified to take it because of what I have lived through. I only took it when I absolutely had to, but I was in so much pain. My mom had just been to visit and I never thought to move my pain medication because it was in my bedroom out of sight. The next day I was lying in bed with my two week old baby and I was having terrible pains due to my incision. I reached to the end of the table for my pain medicine. When I opened the bottle, there was only one pill left. I had 8 pills when my mother came to visit and she took 7. My mom finally admitted to stealing my medicine and I refused to talk to her for months.

In November, I received a phone call from my sister telling me the neighbor called and my mom was having a heart attack. When the paramedics arrived they couldn't find a pulse or a temperature. They flew her to the closest town and they had to shock her because her heart stopped. They found narcotics in her system and I will forever believe that years of using drugs is the reason for her heart attack. She spent a month in the hospital. I believe she may be drug free now, but I will never fully trust her. I can't. Each time I call and she doesn't answer, I picture her high somewhere stumbling around.

I could give endless anecdotes and examples of how drug addiction ruined my life, but I don't think I can ever adequately describe what prescription drugs robbed me of. The only thing worse than not having a mother at all is having a mother who chooses drugs over you. Something needs to be done in West Virginia, where the prescription drug abuse is only going to get worse. All addicts have to do is go to a pain clinic and fool the doctors to receive medication. I know too many people who have easy access to drugs because of corrupt doctors in the area and because the pain clinics are not effective. I can only pray the problem is addressed and that my son doesn't have to grow up in an area so overtaken by drug abuse.

Sincerely, a drug addict's daughter.

I know the Presiding Officer has received these same letters, these same circumstances we live with every day. If someone doesn't rise up and say ''Enough is enough; we have to stop this abuse,'' it is going to be an epidemic that is going to ruin this country.

I go to schools and tell them, there is not another country in the world that believes they can take on the United States of America militarily or economically. We are the greatest Nation. We are the hope of the world. Guess what. They don't believe they have to. They are going to sit back and watch. If we don't have education and we don't have skill sets because of a lack of education attainment, and if we are addicted, if we don't have a clean society, we are not going to be able to be the superpower.

We can't let this generation down. We can't let it fail. I will be coming here every chance I get to read letters from West Virginians to let my colleagues know the epidemic that is going on, the ravaging that is happening in my State and taking away precious lives, whether directly or indirectly, through a child or a parent.

I am hoping we can all change the FDA's direction, that we can get somebody in there that will change the culture of the FDA that will protect us and fight for us and not for the business plan of pharmaceuticals.

Thank you, Mr. President.

I yield the floor to my good friend from Nevada.

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Nevada.

Mr. HELLER. Mr. President, I rise today to discuss the bill before us.

Energy and mineral development has been one of the central pillars of the Nevada economy, even before it joined the Union. The discovery of the Comstock Lode transformed the State as miners rushed in and boom towns like Virginia City and Austin were born.

Today we are a world leader in mineral production while being at the forefront of national efforts to implement a 21st century ''all of the above'' energy strategy. The Silver State produces over 80 percent of the gold and nearly 25 percent of the silver mined domestically. Mining contributes more than 13,500 jobs in Nevada alone, adding $6.4 billion for our State's gross domestic product annually.

Nevada's renewable energy resources are among the best our Nation has to offer. Over 2,300 megawatts of renewable energy projects have come online, roughly enough electricity to power over 4.6 million homes. In total, more than 23 percent of the State's total electricity generation comes from renewables.

Our State is not only leading the way on clean energy production, it is a hot bed for the research and development on energy efficiency and other alternative technologies that are critical to our Nation's energy future. Tesla's development of its battery gigafactory at the Tahoe Reno Industrial Center and Faraday Future's recent announcement to build its automotive manufacturing facility in North Las Vegas ensure that our State will be at the forefront of energy storage technologies and electric vehicles for years to come.

Energy is not only one of Nevada's but, overall, one of our Nation's greatest assets. But Congress has not enacted comprehensive energy legislation in a decade, so it is time to reform Federal policies to reflect the energy and natural resource challenges of the 21st century.

I commend the majority leader and the chairman of the Energy and Natural Resources Committee who have made energy policy modernization a focus for the 114th Congress. In our first week, we advanced the Keystone XL Pipeline legislation and energy efficiency legislation. In the final days of 2015, we enacted a tax deal which included important policies I fought for and which facilitated renewable energy production while lifting the crude oil export ban. And this week we are focusing on a bipartisan Energy Policy Modernization Act.

I appreciate the hard work of the bill managers, Energy and Natural Resources Committee Chairman MURKOWSKI and Ranking Member CANTWELL, who have put the time in to bring this proposal to the Senate floor. My colleagues all have a wide range of ideas on energy and environmental policy, and often these debates can become bitterly partisan. So both Senators should be commended for approving a bill out of the Energy and Natural Resources Committee by a bipartisan vote of 18 to 4.

In the committee process, I worked with both Senators to incorporate a couple of my stand-alone bills focused on streamlining mine permitting and the exploration of geothermal resources, the Public Land Job Creation Act, S. 113, and the Geothermal Exploration Opportunities Act, S. 562, into this bill. I thank them for that, and I hope to continue to process amendments that modernize Federal energy policy.

I have filed a variety of amendments aimed at spurring innovation, boosting job creation, increasing domestic energy and mineral production, and rolling back some of these burdensome regulations. One has already passed the Senate, and I hope the others will be included as well.

I have put forth two bipartisan proposals with my colleague from Rhode Island, Senator JACK REED, focused on energy storage. Technological developments in energy storage have the potential to be a game changer for the electric grid, benefiting the reliability and efficiency of the overall system. Our first amendment simply adds energy storage systems to a list of strategies that States should consider in an effort to promote energy conservation and promote greater use of domestic energy. The second, which passed the Senate by voice vote on Monday night, enhances the Department of Energy's ability to use existing research dollars to develop state of the art technology that can make our electricity grid faster and much more reliable. Energy storage will play an important role in our Nation's long-term energy strategy.

My Public Lands Renewable Energy Development amendment, which I filed along with Senators HEINRICH, GARDNER, RISCH, TESTER, WYDEN, UDALL, and BENNET, is an initiative I have been working on for many years. It recognizes that in our Western States, there are millions of acres of public lands suitable for the development of renewable energy projects, but uncertainty in the permitting process impedes or delays our ability to harness their potential. In a State like Nevada, where over 85 percent of our land is controlled by Federal landlords, improving this permitting process is vitally essential.

Our amendment does just that. It streamlines and improves the permitting process for utility-scale geothermal, wind, and solar energy on Federal lands so that the West can continue to lead the Nation in clean energy production.

To advance this amendment, Senator HEINRICH and I had to drop one of the important components of the proposal—provisions that would repurpose revenues generated by these projects to ensure our local communities benefit and to support conservation projects that increase outdoor recreation activities such as hunting, fishing, and hiking.

In the West, where Federal lands are not taxable and outdoor recreation is an important part of our way of life, these provisions are vital, and I hope we can find a path forward for this concept in the near future.

While recent developments on battery storage, renewable energy production, and alternative fuel vehicles is exciting, I want to remind my colleagues that without a domestic supply of critical minerals like gold, silver, copper, and lithium, they all would not be possible. Far too often we take for granted that we need these important resources to manufacture those technologies and devices that are now part of our everyday lives, such as our smartphones, our computers, and our tablets.

I have worked with Chairman MURKOWSKI and others on comprehensive mining legislation over the past few years, and I believe it is key to our economy and our Nation's security that those policies are part of this comprehensive package. I appreciate that our American Mineral Security Act is one of the titles of the bill that is now before the Senate.

One of the biggest issues facing domestic mining—not just mining but all natural resource development—is overly burdensome regulations. If our Nation is truly going to capitalize on our domestic production potential, we need to rein in the Environmental Protection Agency.

Outside of the IRS, the two Federal agencies that draw the most ire from my constituents are the EPA and the BLM. Under this administration, the EPA is continuing down a path of destroying the balance between appropriate environmental oversight and overreaching regulations that lead to further economic gridlock. That is why I put forth an amendment that would block the EPA from finalizing one of their biggest attacks on domestic resources production, a rule to impose new financial assurance fees.

If implemented, these requirements would further deincentivize capital investment in the domestic mining industry. New Federal requirements would be duplicative of financial assurance programs already in place at both the State and Federal level.

The EPA has made it clear that their push on hard rock mining is the first of many of its plans to develop on various natural resources industries, such as chemicals, coal, oil, and gas development. My amendment would prohibit the EPA from developing, proposing, finalizing, implementing, enforcing or administering new financial assurance regulations on natural resources development.

I have also teamed up with my friend and colleague, Environment and Public Works Committee Chairman JIM INHOFE, on my EPA accountability amendment. This amendment mirrors a bill that I introduced in the first weeks of this Congress and was adopted by voice vote as part of the House Energy bill—the North American Energy Security and Infrastructure Act.

The EPA often ignores longstanding statutes that require them to improve their own regulatory coordination, planning, and review. Simply put, my amendment asks the EPA to abide by its own rules. Without oversight, the EPA has the authority to issue unprecedented regulations that could wreak havoc on our energy policy and prices. Energy costs seep into every aspect of American life, and it is past time we stopped the EPA in its tracks.

Again, I want to thank Leader MCCONNELL. I want to thank Chairman MURKOWSKI and Ranking Member CANTWELL for working with me on my comprehensive Energy bill policies. I hope we can take up these amendments and have them included in the final version of the bill, which I am confident will pass the Senate. These commonsense initiatives will go a long way toward ensuring an affordable, secure, and reliable energy supply for our country.

Mr. President, thank you, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. CARDIN. Mr. President, I take this time as the ranking Democrat on the Senate Foreign Relations Committee to bring to the attention of my colleagues the number of nominees in important foreign policy areas that have been acted on by the Senate Foreign Relations Committee but have not been acted on by the floor of the Senate.

There are currently 15 nominees that have been recommended favorably by the Senate Foreign Relations Committee, and in most of these cases, they were unanimous votes in the Committee. I am confident to say that in each of these cases there has been no question raised as to the qualifications of the individuals to fill these particular positions. We are talking about senior members of the State Department diplomatic team. We are talking about Ambassadors in countries around the world. We are talking about people who have extremely important positions with regard to our national security. These positions are critically important to our country, and they have remained vacant in some cases for over a year. It has been a long period of time that we have not acted on these nominations.

The reason we have not acted on these nominations, quite frankly, is because there is a Member in the Senate, or more than one Member of the Senate, who has put what is known as a hold on these nominations. What that means is that a Senator has indicated that he or she is going to object to the consideration of the nomination on the floor. That is normally done in order to get a little bit of attention on an issue, and it is my understanding that in each of these cases, these holds have nothing to do with the qualifications of the person for the position to be filled, but it is to give the Member an opportunity to get some help on other issues or to raise other concerns.

Here is the problem. In some cases these holds have been in place for over a year. In some cases we are talking about several months that a position has gone unfilled because of the hold.

How can we overcome that? We can overcome that by a Senator releasing the hold, allowing a nomination to come to the floor for a vote. In many cases, I expect, it will be by unanimous consent, since there has been no objection raised, and we can move forward with the nomination.

Quite frankly, it is the majority leader—the Republican leader—who controls the agenda of the floor of the Senate. The majority leader can move to executive session, file a cloture motion, and if 60 Members of the Senate want to move forward with the nomination—and I expect that in each one of these cases we are probably talking about almost unanimous votes in the Senate for these nominations—we would pass a cloture motion. After the hours have passed, we would have an up-or-down vote on the nomination.

If the majority leader were to announce that we would have a cloture vote on a Thursday or Friday and we would stay in over a weekend in order to finish a nomination, which is typically the case here, we would get it resolved before we left for the weekend. As you know, we have been completing our work on a Thursday. There is plenty of opportunity to take up nominations. We have extensive periods of time that we are in State work periods. There are plenty of opportunities for us to take up nominations on the floor for votes. All we need to do is say: Look, by this date certain, if we don't have your answers, we are going to a cloture vote. It would certainly move a lot of these nominations.

This Senator thinks it is unacceptable that 15 of our positions right now are going unfilled because of holds by Members of Congress. I think we have a responsibility to act. I am talking about positions on OPEC. I am talking about the IMF. I am talking about Ambassadors to the Bahamas, Trinidad and Tobago, Mexico, Norway, and Sweden. I am talking about the U.S. representative to the IAEA. I am talking about the Under Secretary of State. I am talking about Ambassadors to Luxembourg and Burma. There is a whole list of nominations that have gone unfilled.

What does this mean for our country? Well, if you don't have the Under Secretary of State for Political Affairs—that is the No. 4 person in the State Department. That is the person directly responsible for all the regional bureaus—for Europe, the Middle East, East Asia and the Pacific, for our hemisphere, for Africa. We don't have the principal person in the State Department confirmed for those regional concerns. That is a national security risk by not having a confirmed person for Under Secretary of State.

My colleagues are quick to be critical if they don't believe the administration is responding quickly enough to certain concerns. For us not to respond for months on critical positions, to me, is compromising our national security.

But it goes beyond that. In bilateral relationships with countries, the fact that they don't have a confirmed ambassador speaks volumes to that country's belief as to how important we think that relationship is.

So if we are talking about a U.S. businessperson from South Carolina or Maryland who is trying to do business in Trinidad and Tobago and there is no confirmed ambassador, that person is at a disadvantage by not having a confirmed ambassador in that situation. If we are talking about a family member who is trying to deal with a family issue in Norway and we don't have a confirmed ambassador, that makes it more difficult for us to be able to represent our constituents because our No. 1 person, our head of mission, has not been confirmed. So it affects our ability to strengthen bilateral relations, it affects our national security, and it is absolutely wrong.

I want to make one thing clear. It is an honor to serve on the Senate Foreign Relations Committee, and it is an honor to be the ranking Democrat. Senator CORKER, the chairman of that committee, and I work very closely together. I am proud of the record of the Senate Foreign Relations Committee under Senator CORKER's leadership. We have reported out these nominations in a timely manner. We have gathered information about the person's qualifications. We have questioned the person. We have gone through the confirmation process to make sure this body carries out its constitutional responsibility to approve Executive nominations. We take our work very seriously, but we do it in a timely way. We act in a timely way. Senator CORKER was responsible for these nominations getting out of the committee promptly, but until the Senate acts, the person can't take on the responsibility.

Now it is the responsibility of the Senate. That is why I call upon my colleagues who have made objections to withdraw those objections. They have been there for months. Let's move forward. If they don't, I would ask that the majority leader give us time for a cloture vote or at least announce a cloture vote. If we did that, I would think these nominations would comfortably move forward.

Some of my colleagues are on the floor, and they are going to talk about specific nominees. I will yield to them shortly, but if I might, I am going to raise 2 of the 15 today. I will do others at other points, but I am going to talk about two of the nominees and I could talk about a lot more.

I want to talk about Tom Shannon for Under Secretary of State for Political Affairs. I want to tell the American people more about the qualifications of Ambassador Tom Shannon and the important post for which he has been nominated.

The Under Secretary for Political Affairs is the State Department's fourth-ranking official, responsible for the management of the six regional bureaus of the Department as well as the Bureau of International Organization Affairs. This is a tremendously important leadership post on key national security issues.

Ambassador Tom Shannon, a career member of the diplomatic corps—he is a career diplomat, serving under both Democratic and Republican administrations—is held in universal respect and esteem by his colleagues and has been nominated to this position. He is strongly supported by both Democrats and Republicans on the Foreign Relations Committee.

I have twice spoken on the floor to ask for unanimous consent for Ambassador Shannon, and I am proud to again ask for his confirmation because few diplomats have served our Nation under both Republican and Democratic administrations with as much integrity and ability as Ambassador Shannon.

In his current role as Counselor with the Department, he provides the Secretary with his insight and advice on a wide range of issues. His previous service is formidable. He was our Ambassador to Brazil, was Assistant Secretary of State and Senior Director on the National Security Council staff for Western Hemisphere Affairs, and also

served in challenging posts in Venezuela and South Africa, among others. He is a career diplomat, giving his life to the Foreign Service. As I said, he has served different Presidents for over 30 years. He should be confirmed today.

Mr. Shannon has been waiting on the floor of the Senate for confirmation for 125 days.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 375, which is Thomas A. Shannon, Jr.; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, on behalf of the junior Senator from Texas, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CARDIN. Mr. President, let me now bring to the Chair's attention John Estrada to be our Ambassador to Trinidad and Tobago. John Estrada has been waiting for confirmation on floor of the Senate for 217 days.

The Republic of Trinidad and Tobago in the Caribbean has been used as a way station for drug smugglers who are shipping their products to the United States, which has caused steadily increasing violence and drug activity. We all talk about the War on Drugs. We need a confirmed ambassador if we are going to have all hands on deck in our campaign to keep America safe. In 2015, the State Department gave the island nation the crime rating of ''critical.''

We need an American of impeccable standing who commands wide respect both here and in the United States and in Trinidad and Tobago itself to effectively represent our interests there. We are very fortunate that the President has nominated John Estrada, a leading business executive and a former 15th sergeant major of the Marine Corps.

Mr. Estrada has a compelling American story. He was born in Trinidad and Tobago and immigrated to the United States when he was only 12 years of age. Mr. Estrada served in the U.S. Marine Corps for 34 years. In 2003 he was made sergeant major of the Marine Corps. I want to make sure my colleagues understand just what an honor that is. It is the ninth highest enlisted rank in the Marine Corps. The sergeant major is the senior enlisted adviser to the Commandant of the Marine Corps and a singular honor. Only one marine is chosen every 4 years to serve as sergeant major. For Mr. Estrada to be chosen as the 15th sergeant major of the Marine Corps is a testament to the degree of trust and confidence the Marine Corps has in his abilities and skills. Mr. Estrada truly exemplifies the Corps' bedrock values of honor, commitment, and courage.

While such virtues are their own rewards, Mr. Estrada's achievements have been repeatedly recognized over the course of his military service. He received the Distinguished Service Medal in 2007, the Bronze Star Medal in 2003, and the Meritorious Service Medal in 1998, 2000, 2001, and 2003. There are over 50 more honors he earned that I could tell my colleagues about.

The qualification of this highly accomplished nominee remains unchallenged, nor has any objection been advanced due to his experience for the post he is to take. He has twice been favorably reported from the Senate Foreign Relations Committee by unanimous support. I have expressed my disappointment and confusion as to why we have not moved forward with Mr. Estrada.

We all speak whenever we can to say thank you to the men and women who have worn the uniform of this country to preserve the freedom of America. Here is an individual who has devoted his entire life to defending America, his entire life to defending our country. He has accomplished extraordinary results as a member of the Armed Forces and now is prepared to serve our country in a very difficult position where law enforcement is desperately needed. It is for that reason that I would hope that after 217 days, my colleagues would be prepared to vote on this nominee.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 329, John L. Estrada to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, on behalf of the junior Senator from Texas, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. CARDIN. Mr. President, I acknowledge that Senator KLOBUCHAR is on the floor. I know she has nominations that she wants to bring to the attention of our colleagues. I thank Senator KLOBUCHAR for being on the floor. She has been very much involved in our nominees, particularly for Norway but also Sweden. I thank her for her leadership in bringing these nominations to the attention of the Senate Foreign Relations Committee and for the work she has done to advance these nominations. She has been steadfast in the need for us to act on these nominations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank Senator CARDIN and Senator CORKER for their leadership and their bipartisan work to get these nominees through the Senate, as well as Senator MCCONNELL and Senator REID, who have been supportive of getting this done.

In fact, both of the nominees I am going to talk about for the important allies of Norway and Sweden may be a little bit of a surprise to everyone in the Chamber. The 11th and 12th biggest investors in the United States of America come from companies in Norway and Sweden, which are two of our biggest allies.

What is going on here? Well, this is actually the third time I have come to the floor this year urging Senator CRUZ to remove his hold on these two nominees so that the Senate can move forward and fill these two vital diplomatic vacancies. Various reasons have been raised by him, both to colleagues and then publically.

I was hopeful. I know negotiations are going on, so I always give room for that. But this is not related to these two countries or these two people. I think that is important to remember. Often, our fights are about a particular post because of the post or a particular nominee. That is not what this is, so I am hopeful that this gives us more room to negotiate.

So what is going on here? Well, Norway has been without a confirmed ambassador for 859 days. There was an original nominee who did not work out, was withdrawn by the administration. Then this new nominee was put in and went through the committee without a problem, unlike the first nominee. It still remains that when you are in Norway—and a lot of Norwegians know about this—you haven't had an Ambassador from the United States of America for 859 days. You have ambassadors from Russia, China, but not from the United States of America. In the case of Sweden, it has been 468 days since the President nominated Azita Raji to be ambassador—again, someone who came through our committee without controversy. It is past time to get these nominees confirmed.

We need a U.S. Ambassador in Norway who is deeply committed to strengthening the relationship between our two countries. Sam Heins is our nominee. He is from Minnesota. He is the right person for the job, in addition to being an accomplished lawyer. He has demonstrated his devotion to leadership in the cause of advancing human rights. He founded, organized, and served as the first board chair of the Advocates for Human Rights, which responds to human rights abuses throughout the world. Obviously, this is something Norway cares a lot about, so he is a good fit for this country, not to mention that he is from Minnesota, the home of 1.5 million people of Norwegian descent, more than any other place in the world next to Norway.

Now we go to Sweden. Azita Raji is also an incredibly qualified nominee. She is a philanthropist, a community

leader, and a former business leader. She served as a member of the President's Commission on White House Fellowships, director of the National Partnership for Women and Families, and a member of the Bretton Woods Committee, an organization that supports international finance institutions.

These are qualified nominees, but you don't have to take my word for it. Here is what Senator TOM COTTON, a Republican colleague of the Presiding Officer's, said about Sam Heins and Azita Raji:

> I believe both [nominees] are qualified . . . and we have significant interests in Scandinavia. My hope is that both nominees receive a vote in the Senate sooner rather than later.

He said this in part because for a while he had a hold. He resolved those issues. Senator COTTON has said he thinks these two nominees are no problem. As we know, the other Republicans on this committee have not raised any objections. They are right. We have significant interests in Scandinavia, and leaving these key positions vacant is a slap in the face to Sweden and Norway, which are two of our best economic and military allies.

In a December New York Times oped, former Vice President Walter Mondale—himself of Norwegian descent—highlighted the U.S. national security interest in confirming these nominees, saying: ''[I]n a time of dangerous international crises, we need to work with friends and allies, using all the tools of diplomacy.'' Vice President Mondale understands that now is not the time to forsake a 200-year-old diplomatic relationship.

Norway and Sweden share a vital security partnership. Norway is one of our country's strongest and most dependable international allies, a founding member of the NATO alliance, and its military works with the United States. This is key to my colleagues who care about the aggression of Russia.

Norway works with us in standing up to Russia's provocations in the Ukraine and in countering ISIS, the spread of violence, and Islamic extremism. May I say that Norway actually has a portion of its border that it shares with Russia.

Norway is also playing an important role in addressing the Syrian refugee crisis. It expects to take in as many as 25,000 refugees this year. It has already provided more than $6 million to Greece to help respond to the influx of refugees seeking a way to enter Europe.

I would also add from a military standpoint that Norway recently purchased 22 more fighter planes—22 more fighter planes, bringing their total to over 50—from Lockheed Martin, based in Senator CRUZ's district in Fort Worth. That is where these planes are being built, and they are worth nearly $200 million apiece. That is what Norway is investing in the United States. They deserve an ambassador.

Sweden, like Norway, plays an important role in our national security. Sweden is a strong partner in our fight against ISIS, in our attempts to curb North Korea's nuclear program, in supporting Ukraine against Russian aggression, and in promoting global democracy and human rights.

Sweden is also on the front lines of the Syrian refugee crisis. More than 1,200 refugees seek asylum in Sweden every day, and Sweden accepts more refugees per capita than any other country in the EU.

All of us on both sides of the aisle have talked about the importance of a strong Europe during this very difficult time. Yet every other major nation in Europe has an ambassador except for Sweden and Norway.

So I ask my friends and colleagues on the other side who are not obstructing these nominations to help us work this out with Senator CRUZ because this has gone on for far too long. This isn't a joke. These are two major allies.

We also have economic relationships. As I mentioned, Norway represented the fifth fastest growing source of foreign direct investment in the United States between 2009 and 2013—that is in the world—and is the 12th largest source of foreign direct investment in the United States overall. Maybe they are too quiet about it and people don't realize it. We would never think of blocking an ambassador to England or to France, but right now the ambassadors to these two countries are being blocked.

There are over 300 American companies with a presence in Norway. By not having an ambassador in Norway, we are sending a message to one of the top investors in the country: Sorry, you are not important enough to us to have an ambassador in your country. But all the other major nations have an ambassador. In October, as I mentioned, they reiterated their commitment by buying all those fighter planes from the State of Texas, from Lockheed Martin.

Norwegian Defense Minister Espen Barth Eide said Norway's F–35 purchase marks ''the largest public procurement in Norwegian history.'' It has been 30 years since Norway ordered new combat planes, and instead of choosing a European manufacturer, whom did they choose? They chose a manufacturer in the United States, right in Texas. Do you think those other European countries don't have Ambassadors in Norway? They do. I hope Senator CRUZ and his friends are listening to this right now because they chose to buy those planes from the United States, right from his home State of Texas.

Sweden, like Norway, is also one of the biggest investors in the United States. Sweden is the 11th largest direct investor in the United States. Swedish foreign direct investment in the United States amounts to roughly $56 billion and creates nearly 330,700 U.S. jobs. The United States is Sweden's fourth largest export market, with Swedish exports valued at an estimated $10.2 billion. Sweden, like Norway, deserves an ambassador.

Scandinavian Americans are understandably frustrated by the fact that Senator CRUZ is obstructing these nominees. As the Senator from a State that is home to more Swedish Americans and Norwegian Americans than any other State, I know it because I hear it every day. I hear it from people across the country, and most importantly, I hear it from the Foreign Minister and others in countries who are waiting to get an ambassador.

So, again, we have an ambassador in France, we have one in England, and we have one in Germany. We have an ambassador in nearly every European nation but not in these two key Scandinavian countries.

There is really no doubt about the important relationship between our country and Norway and Sweden. We need to confirm Sam Heins and Azita Raji immediately.

I do appreciate the support of nearly every Republican Senator for these nominees, the support of the chairman of the Foreign Relations Committee, Senator CORKER, the great leadership of Senator CARDIN, the leadership of Senator REID and Senator MCCONNELL on these issues, and the leadership of my colleague Senator FRANKEN whom we will hear from shortly. It is time to get these done.

I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 263; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, on behalf of the junior Senator from Texas, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. I note that Senator LEE, as I assume he did with the other objections, was making this objection on behalf of Senator CRUZ and that, secondly, that was the Ambassador to Norway whom I asked consent for.

I now ask unanimous consent for the Ambassador to Sweden.

I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 148; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, on behalf of the junior Senator from Texas, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. I believe we will now hear from Senator FRANKEN, my colleague from the State of Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, that is too bad. There is no one else in this body who believes that Sam Heins shouldn't be Ambassador to Norway or that we shouldn't be sending an ambassador to Norway, and/or that Azita Raji wouldn't be perfect to be Ambassador to Sweden. This is really a shame. It is another sad moment, frankly.

Let me talk a little bit about Sam Heins. Sam is from Minnesota, home of more Norwegian Americans than any other State. I think we have more Swedish Americans, as well, than any other State. Norway is an important NATO ally, as Senator KLOBUCHAR so ably put it. We coordinate on important security issues. We have important collaborations in Minnesota among our universities and in the private sector in this country on research projects, renewable energy, health care, and other areas.

Confirming an ambassador to Norway—especially such a highly qualified ambassador—is especially important to the people in my State. More than 20 percent of Minnesotans trace their ancestry to Norway. There are more Norwegian Americans living in Minnesota than any other State.

Sam Heins is a very distinguished Minnesotan who has worked on behalf of women's rights, human rights, and victims of torture. We have a center in Minnesota for victims of torture. It is a shining example of our State and of our country.

Sam has been nominated to serve as our next Ambassador to Norway. He is being blocked, unfortunately, for reasons that are totally unrelated to his qualifications. I believe that blocking this nominee from confirmation is completely irresponsible. As I said, Norway is an important ally, and it is in our mutual interests to have an ambassador to Norway who represents the United States. I hope the next time we do this, we can get unanimous consent.

This is unfortunate, and I think it has not been done in a way that is consistent with the protocol of the Senate in terms of Senators creating conditions for the lift of a hold and then changing what that position is. I think that is too bad.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am here to join my colleagues because I share the concerns they have expressed so eloquently about the failure of this body to act on the nominees whom they have been talking about. But the other nominees, particularly the 27 national security nominees who are pending on the floor of the Senate—these nominees are not being held up due to concerns about their qualifications or their experience. As my colleagues have said, they are being held up for political reasons—political reasons that are often wholly unrelated to the nominee, and in most cases they are being held up by just one Member of this body.

I find it particularly ironic that, in many cases, they are being held up by a Member of this body who is out on the campaign trail, campaigning for President. He is not here dealing with the work of this country and not here fighting to address the national security of this country by making sure that we confirm these nominees. So I am disappointed that, once again, we see my colleague from Utah here on his behalf to object to our efforts to move forward with these unanimous consent requests for Tom Shannon, John Estrada, Azita Raji, and Samuel Heins.

As Senator CARDIN noted, I want to begin with Ambassador Shannon, because Ambassador Shannon would fill one of the most senior positions at the State Department as the Under Secretary for Political Affairs. He would be responsible for working with the Europeans on implementation of the Iran agreement, on coordinating the G–7 to combat Russian aggression, as well as providing daily oversight and direction to all of the Department's regional bureaus.

We had a hearing this morning before the Foreign Relations Committee, talking about the strains on the European Union and the implications for American foreign policy. One of the things our witnesses who were testifying on behalf of the majority and the minority discussed was the challenges we are facing from Russian aggression. I am sure we all appreciate that in this body. The fact that we are holding up Ambassador Shannon, who would be responsible for coordinating the G–7 response to Russian aggression, is just hard to fathom. I don't get it. I don't understand why anybody in this body would want to hold up the appointment of one of the key leaders of the team to fight Russian aggression.

Ambassador Shannon is clearly qualified for the job. He is a career Foreign Service officer. He has served with distinction in five administrations—two Democratic and three Republican. He was nominated for this position in September. He had his confirmation hearing in October. He was unanimously approved by the Senate Foreign Relations Committee, and now he has been waiting 98 days for the full Senate to act on his nomination.

There isn't much I can add to the outrage and eloquence of my colleagues from Minnesota, Senator KLOBUCHAR and Senator FRANKEN, who talked about their frustration at the holdup in confirming Azita Raji, who has been waiting 398 days—over a year—to be Ambassador to Sweden; Samuel Heins, who has been waiting 265 days to be Ambassador to Norway.

Again, I would go back and point to the hearing we had this morning before the Foreign Relations Committee, where one of the issues that our witnesses testified to was the importance of working with our Scandinavian allies as we look to combat Russian aggression. Here we are. And I said: So, what does it mean to Sweden and Norway that we have been holding up the nominees to be Ambassadors to those two countries—one for over a year and one for almost a year? And they said: It sends a very bad message to Europe, at a time when Europe is challenged, that we don't care what is going on in Sweden and Norway.

In 1914, Norway, a NATO ally, scrambled their F–16 fighters 74 times to intercept Russian warplanes. They are there on the frontlines helping to fight Russian aggression. Where are we in the Senate? We can't even confirm the Ambassador to Norway because we have one person in this body who doesn't care enough about the national security of this country to be here to help make sure this person gets confirmed. That is not acceptable.

I also want to talk about two other nominees whose qualifications are unquestioned. Yet they remain unconfirmed. Brian Egan is the President's nominee to be a principal advisor to the State Department and the Secretary of State on all legal issues, domestic and international. This role includes assisting in the formulation and implementation of the foreign policies of the United States and promoting the development of law and institutions as elements of those policies. It is something that is very important, especially as we look at some of the countries that are being threatened now by Russian aggression—Ukraine, Georgia, and Moldova.

Mr. Egan's qualifications to hold this position are clear. He began his career as a civil servant and government lawyer in the office of Secretary of State Condoleezza Rice. He subsequently worked at Treasury, at the National Security Council, and as a Deputy Assistant to the President.

He was nominated more than a year ago—384 days to be exact. He was unanimously approved by the Senate Foreign Relations Committee in June. Yet he is still in this ''hold'' position because of one or two individuals in this body for reasons unrelated to his qualifications.

Mr. President, at this time I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 204, Brian James Egan to be Legal Advisor of the Department of State; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mr. TOOMEY). Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, on behalf of the junior Senator from Texas, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. SHAHEEN. Again, that is disappointing. Again, it is unfortunate that somebody who has served so honorably in both Republican and Democratic administrations is being held up for reasons totally unrelated to his qualifications and to the job he would do at the Department of State.

UNANIMOUS CONSENT REQUEST—PRESIDENTIAL NOMINATION

I know that many Republicans in this body are as outraged as we are about the holdup. I hope they will act with us to move these nominees. One of those people is still being held up, this time by the Banking Committee, which has refused to schedule a vote on the nomination of Adam Szubin to be the Treasury Department's Under Secretary for Terrorism and Financial Crimes. This position leads to policy, enforcement, regulatory, and intelligence functions of the Treasury Department aimed at identifying and disrupting the lines of financial support to international terrorist organizations, proliferators of weapons of mass destruction, narcotics traffickers, and other actors who pose a threat to our national security or foreign policy. This position is critical, as we look at legislation that we are talking about taking up next week with respect to sanctions on North Korea, with respect to continued sanctions on Iran, on Russia, to other bad actors, to terrorists who are out there. Mr. Szubin is extremely well qualified for this position. He has served in both Republican and Democratic administrations.

He was nominated 294 days ago. Yet even Banking Committee Chairman SHELBY called Szubin ''eminently qualified'' during his September confirmation hearing. The fact that the committee has not held a vote and the Senate has not confirmed him lessens his ability to influence our allies and to undermine our enemies around the world, which is what we want to happen. If we are worried about our ability to enforce sanctions, if we are worried about the national security of this country and one of the weapons that we have to use to protect this country, then we ought to be confirming Adam Szubin.

It is very disappointing that my Republican colleagues continue to object and that my colleague from Utah is here on behalf of Senator CRUZ from Texas, objecting to moving forward. Even though I understand that he is going to object, I am going to put forward another unanimous consent motion because I think we need to come back here every day from now until the end of this session and ask unanimous consent to move forward on these nominees because it is unacceptable that we are still here at this time without confirming these people.

Mr. President, I ask unanimous consent that the Senate proceed to executive session and the Banking Committee be discharged from further consideration of PN371, the nomination of Adam J. Szubin to be Under Secretary for Terrorism and Financial Crimes; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, on behalf of the senior Senator from Alabama, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. SHAHEEN. Again, it is very disappointing that the objection has been made, this time on behalf of the Senator from Alabama, who is here, so it is disappointing that he is not on the floor to talk about what his objections to Adam Szubin are. I believe that refusing to move these nominations does a profound disservice not only to these Americans who have sacrificed to serve this country but to the national security of the United States.

I call on the majority leader to schedule votes on these nominees and other pending national security nominees to let the Senate do its job at a time when the world is facing national security challenges on a number of fronts. When nations are looking to the United States for leadership, we cannot afford to sideline ourselves by failing to confirm these important nominees.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PETERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FLINT, MICHIGAN, WATER CRISIS

Mr. PETERS. Mr. President, I rise today to urge my colleagues on both sides of the aisle to come together as we continue to seek a bipartisan path forward to help the people and the children living in the city of Flint, MI. Nearly 2 years ago, an unelected emergency manager appointed by Michigan's Governor changed the city of Flint's water source to the Flint River in an attempt to save money while the city prepared to transition to a new regional water authority.

After switching away from clean water sourced from the Detroit Water Authority, Flint residents began to receive improperly treated Flint River water, long known to be contaminated and potentially very corrosive. The result of the State government's actions was and continues to be absolutely catastrophic. Flint families were exposed to lead and other toxins that will have lasting effects for generations. The ultimate cost of this misguided, dangerous decision will not be known for decades, but we now have a chance to begin to make it right.

Last week, Senator STABENOW and I introduced an amendment that would, one, provide water infrastructure funding for Flint; two, create a Center of Excellence to address the long-term public health ramifications of lead exposure; three, forgive Flint's outstanding loans that were used for water infrastructure that has now been damaged by the State's actions; and four, require the EPA to directly notify consumers instead of going through State and local regulators if their drinking water is contaminated with lead.

We have spent the last week working with Senator MURKOWSKI and Senator CANTWELL to find common ground and a path forward to provide some relief to the people of Flint as we consider this bipartisan energy legislation. These discussions are ongoing. They are happening as we speak now. But now is not the time to use procedural roadblocks to justify inaction.

Throughout the United States history, when a natural or manmade disaster strikes, the Federal Government has stepped in to help those in need. Hurricanes, superstorms, earthquakes, flooding, and a fertilizer plant explosion—those types of activities or incidents all across the Nation have received Federal assistance as communities come together to rebuild.

While the cause of this crisis and the ultimate responsibility to fix it lies with the State Government, we need to bring resources from all levels of government to bear to address the unprecedented emergency that we face. This is why I urge my colleagues to work with us as we continue efforts to make a down payment on the years of rebuilding and healing that Flint needs.

I was in Flint earlier this week, and while volunteering with the Red Cross to deliver bottled water from house to house, I heard directly from impacted residents. Months after the public became aware of the depth of this crisis, families still have questions: Can I use my shower? When will the water be safe? Will the pipes ever get replaced?

My question for this body is very straightforward. Who will stand up for the children of Flint? These children have been impacted the most by this crisis and through no fault of their own. I know we all have priorities that we care about in this Energy bill, but I simply cannot agree to move forward on action on this bill until we deal with Flint and help Flint rebuild to provide safe, clean drinking water.

This should not be a Republican or a Democratic issue. Clean water is, quite simply, a basic human right. Let's together show the American people that when a crisis hits any city in this country, we will stand with them.

America is a great country, and it is great because at times of difficulty, we all stand together as one people.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRANS-PACIFIC PARTNERSHIP AGREEMENT

Mr. HATCH. Mr. President, later today, at around 5:30 p.m., DC time, U.S. Trade Representative Michael Froman and representatives from 11 other countries will meet at a ceremony to sign the Trans-Pacific Partnership, or TPP, Agreement. It is no secret that the TPP Agreement has the potential to do a lot of good for our country.

Taken as a whole, the 12 countries involved in this agreement had a combined GDP of $28.1 trillion in 2012, nearly 40 percent of the world's total economy. In that same year, our goods and services exports to TPP countries supported an estimated 4 million jobs here in the United States.

According to the International Monetary Fund, the world economy will grow by more than $20 trillion over the next 5 years and nearly half of that growth will be in Asia. This agreement, if done right, will give the United States a distinct advantage in setting the standards for trade in this dynamic and strategically vital part of the world.

It is also no secret that many stakeholders and Members of Congress, including myself, have some doubts as to whether the agreement meets the high standards necessary to gain congressional approval. I have expressed those concerns many times here on the floor and elsewhere. I won't go into any more detail about them today. Instead, I want to talk about what will happen after the agreement is signed.

Even though there is a signing ceremony in New Zealand today, that is not the end of the process for TPP in the United States. In fact, in many ways, we are really just beginning.

In the coming months, we will have ample opportunity to debate the merits of each and every provision of this agreement and to consider how it will impact workers and job creators in our country and how it will affect the health of our economy.

Today I will focus on the process by which Congress will consider and debate this agreement. I want to do so in part because I believe it is important that our people—including Members of Congress, the administration's stakeholders, and the media—have a full understanding of how this is going to work. All too often when a trade agreement is concluded or signed, the pundits, commentators, and lobbyists in this town immediately jump to one question: When will Congress vote on it? I get asked that question almost every day. While I have offered my own opinions and occasional speculation about when would be the best time to have the vote, the fact of the matter is I don't know exactly when the vote will take place and no one else does either.

As we all know, last year Congress passed and the President signed legislation renewing trade promotion authority, or TPA, and setting out a series of timelines for Congress to consider and eventually vote on signed trade agreements. While I am quite sure that interested parties and observers have already pored over the text of the TPA statute to add up all the statutory timelines and have tried to calculate the exact date when Congress will vote on the agreement, that exercise is unlikely to yield an accurate result. Let me take a few minutes to explain why that is the case.

Under the TPA process, there are a number of milestones, checkpoints, and associated timelines that begin at the outset of negotiations, long before any agreement is reached. With regard to TPP, we have gone through several of those already. President Obama has determined—despite some concerns expressed by a number of sources—to take the next step in the process and sign the agreement.

Under the TPA statute, once an agreement is signed, the President has 60 days to provide Congress with a description of changes to U.S. law that he believes would be required under the deal. That is one of the more specific deadlines in the law. That 60 days is a maximum time period imposed on the administration, not on Congress.

Assuming the agreement does in fact get signed today, that information must arrive no later than April 3. On top of that, the statute requires the International Trade Commission—or ITC—to compile and submit a report on the likely economic effects of a signed trade agreement. That report must be completed within 105 days—another specific deadline of the signing date. For a deal signed today, that deadline is May 18.

So far I have just talked about deadlines or maximum time periods for compiling and submitting specific documents and materials, but once again those maximum timelines are imposed on the administration, not on Congress. After Congress receives the President's description of legislative changes and the ITC's economic analysis, the administration is required to provide to Congress the final text of the agreement and a detailed plan on how they intend to administer it. The exact date and timing by which the administration has to submit the final text of the agreement is not set out in the statute. Under established practices, the timing of that submission, like other relevant decisions in this process, is generally determined after close collaboration and consultation with leaders in Congress.

However, the TPA statute is clear that the final text of the agreement and the detailed administrative plan must be provided to Congress at least—and those two words are very important—at least 30 days before formally submitting legislation to implement the agreement.

This is one of the more important timelines in the statute, and it notably provides a floor, not a ceiling. It sets a minimum timeframe to ensure Congress has at least—there are those two words again—30 days to review all necessary information and documents before the implementing legislation is formally submitted to Congress.

I would like to point out that this minimum 30-day window is a new requirement. We included this requirement for the first time in the most recent TPA statute to provide increased transparency and ensure adequate consideration and debate in Congress. There are many additional steps that take place once Congress has all of the required information and before the implementing bill is formally submitted, and those steps each take time.

First, Congress, in consultation with the administration, has to develop a draft implementing bill for the agreement. Then the committees of jurisdiction will hold hearings to examine both the agreement and the draft legislation. Following these hearings, another very important step occurs: the informal markups in the Senate Finance and House Ways and Means Committees. Most people call this process ''the mock markup.'' The mock markup—which once again occurs before the President formally submits the trade agreement to Congress—is similar to any other committee markup. The committee reviews the draft legislation and has votes on amendments, if any are offered. If the Finance and Ways and Means Committees end up with different versions of the draft implementing bill, they can proceed to a mock conference to work out the details and reconcile any differences.

The mock markup process is well established in practice and is an essential part of Congress's consideration of any trade agreement. It is the best way for Congress to provide direct input—complete with vote tallies and on-the-record debates—to the President to demonstrate whether the implementing bill meets the criteria set out in the TPA statute and whether there is enough support in Congress for the agreement to pass.

After those steps are taken, a final implementing bill may be introduced in the House and Senate. Only after the final implementing bill is introduced is Congress under any kind of deadline to vote on the agreement. The votes must take place within 90 session days. You will notice the word ''session.'' Of course, in this case I am using the word ''deadline'' pretty loosely. The vote doesn't have to occur within 90 calendar days. It must take place within 90 session days, and only Congress can

decide when it is and is not going to be in session. Long story short, no one should be under any illusions that because the TPP is being signed today, an up-or-down vote on the agreement is imminent or that our oversight responsibilities are at an end.

If history has taught us anything, it is that this process can, and often does, take a very long time to complete. In fact, it is not an exaggeration or even all that remarkable to say that it can take years to get an agreement through Congress after it is signed. Historically speaking, the shortest period of time we have seen between the signing of an agreement and the introduction of the implementing legislation, which once again triggers a statutory deadline for a vote in Congress, is 30 days. That was with our bilateral trade agreement with Morocco. Needless to say, that agreement is an outlier and quite frankly it isn't a useful model for passing an agreement as massive as the TPP.

Other trade agreements, like our agreements with South Korea, Colombia, and Panama, took more than 4 years to see an implementing bill introduced in Congress, and that was 4 years from the time the agreement was signed, which is what is happening today with the TPP, and the time the clock started ticking for a vote in the Senate. Our trade agreement with Peru took 533 days or about a year and a half. Our agreement with Bahrain took just over a year. All of these, while significant in their own right, were bilateral agreements and paled in comparison to the size and scope of the Trans-Pacific Partnership.

The closest parallels to the Trans-Pacific Partnership we have in our history—and they are not really that close at all—are the North American Free Trade Agreement, or NAFTA, and the Dominican Republic-Central America Free Trade Agreement, or DR-CAFTA, both of which took more than 10 months. Once again, that wasn't 10 months between the signing day and the vote. That was 10 months between the day the agreement was signed and the introduction of the implementing bill, which triggers a required-yet-fluid timeline for a vote in Congress.

Of course, none of these timelines for previous trade agreements are all that illustrative because the TPP is nothing like our other agreements. By any objective measure, the TPP is a historic trade agreement without a comparable precedent. Its approval would be a significant achievement. That is all the more reason to ensure it gets a full and fair consideration in Congress, however long that process takes. All of us—on both sides of the aisle, on both sides of the Capitol, and on both ends of Pennsylvania Avenue—should be careful when we talk about timelines and deadlines for votes.

I am quite certain the President wants to get a strong TPP agreement passed as soon as possible. I personally share that goal, but Congress has a history of taking the time necessary to consider and pass trade agreements, and the process set out under TPA demands that we do so. Despite a number of claims to the contrary, Congress does not rubberstamp trade agreements, and we will not do so in this case. We cannot short circuit the process. With an agreement of this significance, we must be more vigilant, more deliberative, and more accountable than ever before. We need to take the necessary time to carefully review the agreement and engage in a meaningful dialogue with the administration.

If that occurs and if the administration is prepared to engage with our TPP partners to address new concerns, I am confident the TPP agreement can be successfully approved by Congress. That may take more time than some would like, but the process of achieving favorable outcomes in international trade is a marathon, not a sprint. There are no shortcuts. To get this done, we have to do the work and lay a strong foundation in Congress.

As I have said many times, the TPP is an extremely important agreement, and we need to get it done, but given that importance, we need to focus more on getting it right than getting it done fast.

Mr. President, millions of Americans depend on coal energy to heat their homes, power their electronics, and keep their businesses running. Coal is an indispensable asset in our Nation's energy portfolio. It accounts for nearly one-third of U.S. energy production and generates half of all our electricity today. Quite literally, coal keeps the lights on, but the Obama administration's war on coal could pull the plug on an industry essential to our energy needs.

America's coal miners have no greater antagonist than their own President. Ever since President Obama took office, he has deliberately targeted coal producers, subjecting them to onerous, job-destroying regulations that threaten our economic future. The administration's recently announced decision to halt coal leasing on Federal lands is just the latest assault in a calculated campaign to cripple the coal industry.

The President's moratorium on new coal leases undermines our ability to produce one of the least expensive and most reliable fuel sources at our disposal. The long-term consequences of this rule will be disastrous not only for coal companies and all of their employees but for any industry that depends on coal for its energy needs.

Beyond the economic costs of this extraordinary action, consider the human toll. The U.S. coal industry directly employs more than 130,000 people. These individuals are more than a mere statistic. They are real people with mortgages, car payments, and children to feed. They are honest men and women whose very livelihood depends on the future of coal.

Sadly, the President's moratorium puts their jobs in danger. As the junior Senator from Wyoming observed, the administration's action effectively hands a pink slip to thousands of hard-working individuals across the Mountain West who work in coal production.

As Members of the legislative branch, we have a constitutional duty to check Executive overreach. With the amendment I have introduced, we have the opportunity to rein in the President's actions and protect hard-working American families from overly burdensome Federal regulations.

My amendment reasserts the authority of Congress in this matter by prohibiting the Secretary of the Interior from halting coal leases on Federal land without congressional approval. It also requires the Secretary to begin leasing Federal assets immediately pursuant to the Mineral Leasing Act of 1920.

If the Secretary wishes to enforce a moratorium on coal leasing, she must first provide a reasonable justification for doing so. To that end, my amendment requires the Secretary to submit to Congress a study demonstrating that a moratorium would not result in a loss of revenue to the Treasury. The study must also examine the potential economic impacts of a moratorium on jobs and industry. Once the House and Senate have had the opportunity to review this study in full, the Department of the Interior may suspend coal leasing on Federal lands if and only if Congress approves the action.

Mr. President, my amendment not only protects middle-class Americans from harmful government regulations, it also rightly restrains the President and his abuse of Executive power by restoring authority to the duly-elected Members of Congress, not unelected bureaucracies. I strongly urge my colleagues to support this amendment as we continue consideration of the legislation at hand.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FLINT, MICHIGAN, WATER CRISIS

Ms. STABENOW. Mr. President, I want to talk again about the complete disaster, the catastrophe that has befallen a community in Michigan called Flint, MI, through no fault of their own.

We assume that when we turn on the faucet, we can make coffee, take a shower, make breakfast, take care of our children or our grandchildren, and that we are going to have safe, clean water. That has been a basic right in America. If you own a business, a restaurant, you assume you are going to be able to turn on the water and make the food and serve your customers. If you are a barber, you can turn on the

faucet and clean water comes out. That is basic in our country.

For 100,000 people in Flint, MI, the dignity of being able to turn on a faucet and have clean water has been ripped away. It started 20 months ago. They were lied to. They were told the water was safe. Finally, we are told it was not safe. People told them that somehow this brown water that smelled was safe—clearly not.

We now know that about 9,000 children under the age of 6 have been exposed in some cases to astronomical lead levels. There was one story about a home that was tested where the lead levels were higher than a nuclear waste dump. How would you feel if that were your house and somebody told you your children had been exposed to that? I can only imagine. I know how I would feel.

A little while ago I met with some pastors from Flint who are here desperately trying to get beyond this. They don't want partisanship; they don't want political fighting; they just want some help. They said: We are not interested in the back-and-forth of all this; we just want clean water, and we want to be able to provide good nutrition for these children who are already impacted.

The scary thing about this lead is that it stays in your body forever. I am learning more about lead than I ever wanted to know, and one of the things we know is that it does not leave. There is no magic pill. It is nutrition, so you have to give them more iron and milk and calcium and vitamins. There is a whole range of things I am working on now. I am grateful for the support from the Department of Agriculture to help us do that.

We have too many children—if anyone saw Time magazine—we have children with rashes, babies, people losing their hair. I met with pastors, and after that I met with another group of citizens from Flint: moms who are trying to figure out a way to avoid mixing this water with their baby formula. I had been told by the Michigan State department of WIC that they were giving ready-to-feed formula, and I just met with a group of moms who said that was not true.

We are talking about children whose brains are being developed and right now whose futures are being snatched away from them. They didn't cause it. Their moms didn't cause it. Their dads didn't cause it. Others caused it, and we can debate who that is. I am happy to have that discussion. Right now I just want to help those people.

I want people to see the people of Flint. They have not been seen or heard on this issue for almost 2 years. The folks who were supposed to care, who were supposed to see them, didn't. We have a chance to say to them: We see you. We hear you. We know that you as Americans have a right, if there is a catastrophe in Flint, to have the same sense of urgency, of support that we give to other things, such as a fertilizer explosion in West Texas, where we brought in millions of dollars, or hurricanes in Texas and South Carolina—emergency spending, I understand. We all know that something can happen beyond the control of citizens, and they look to us.

I know we all have other issues around aging pipes. We all have infrastructure issues, and frankly, we should be addressing those. There are very positive bipartisan proposals to address water and sewer infrastructure, and I support those. I want to do what we can, and hopefully this will serve as an impetus for that, but nowhere in America do we have an entire city's drinking water system shut down from usage.

We have other situations in other parts of Michigan. I am not asking—although I would love to provide help in all the cities in Michigan, I understand that is a broader issue we have to address together. But this is about a catastrophe, a crisis, something that we do emergency spending on when there is a situation where we see lead levels in some parts of this community that are higher than a toxic waste dump.

Even in areas now where it is OK, we have small businesses—it just breaks your heart. Downtown Flint has been doing a great job of rebuilding the downtown. Everyone focuses on the exciting things in Detroit, but Flint also has done great things, bringing great restaurants downtown. Even when folks invest in their own water system so they are absolutely sure their water is safe, people won't come in because now it is Flint, MI. Nobody believes any of the water is safe. It is now a joke: If you go to Flint, don't drink the water. So we have businesses closing. We have a community collapsing that needs help, and the bottom-line help they need is to fix the pipes.

Senator PETERS and I are not suggesting that it is entirely a Federal responsibility. In fact, it is a joint responsibility. In fact, we would argue that more of the responsibility be on the State than the Federal Government. But we do have a shared responsibility to step in and help and give some immediate help to be able to get this going. That is what we are asking for.

Up until yesterday afternoon, we thought we had a bipartisan solution. I appreciate the work that has been done by the chair and the ranking member. We thought we were there. We found a source to pay for it. Even though we don't always pay for other emergencies, we found a way to do it. We go to the Congressional Budget Office. We find there are a couple of technical things. Lord, help us, we love the CBO. There is a technical thing that doesn't affect the Senate called a blue slip to deal with. We do it all the time—another issue around scoring that we are working hard around. Suddenly, everything stops over procedure, over bureaucracy and procedure.

I know that when we did a transportation bill, we waived every single point of order because we wanted to do it. I wanted to do it. I supported it. But now when we are talking about helping an important community in the State of Michigan be able to get some help out of a disaster, all of a sudden, no, no, no; there are all kinds of procedures and reasons. I don't buy it for a second. I don't buy it for a second. When we want to help Americans, we help Americans. That is what we do. It is our job to do those things.

One of the things that I now find such an insult, such a slap in the face—I don't know if this means that folks aren't—we are still trying to work this out, Mr. President, and I am hopeful that we will so there can be an energy bill. But now there is an amendment that has been filed to pay for helping Flint by taking dollars away from new development of technologies for automobiles—something Senator PETERS and I have been champions of. Back in the 2007 Energy bill, I was able to get a provision in, when we raised CAFE standards, to support companies to create that new technology here in America so the jobs wouldn't go overseas, they would be here. It is work that has made a real difference, that brought jobs back from other countries.

Senator CASSIDY and I have been working on a provision to expand that because of trucks because they are getting CAFE standard increases and so on. I had a commitment and we had a commitment to actually do that on the floor, to get that done, but now, all of a sudden, the money from that is being proposed to pay for fixing the drinking water system in Flint.

Flint is the home of the automobile industry. Flint, MI, is where much of this started, where the middle class started, where the auto industry started. General Motors is still there, although they won't use the water because it corrodes their auto parts. So they won't use the water.

But now we are hearing in an amendment for the people of Flint: Well, you have a choice. You can either drink the water and have safe water or you can have a job.

Well, that is an insult. I personally feel it is an insult. It is being done to just jam us and trying to embarrass us—that we don't care about the people of Flint because we are not willing to spend money from a new technology source that is being used to create new jobs.

I don't buy it. That is certainly not going to be getting support. When we are trying to work in good faith to get this done, I am amazed that this would be offered, which is clearly just an effort to jam us.

I don't know where we are. I still am a very positive person. I tend to spend most of my time working behind the scenes to get things done—I am very proud of that—and so does my colleague Senator PETERS. We are people who like to get results. We are not into demagoguing about this. Lord knows it is ripe for it. We want to do something that will help people who need help.

So we are going to continue to do that. We are going to continue to work to try to do that. We are not going to stop, and we are not going to support moving forward until we have something that is a reasonable way that we can tell the people of Flint that we have done something to help them.

At this point in time, I can't look at this child or his mom in the face—or any other children or parents—and not tell them we did everything humanly possible to be able to make sure we could help them as quickly as possible to stop using bottled water and be able to actually give their kids a bath, cook for them, and have the dignity of what every one of us has—the gift of clean water, which is a basic in the United States, or should be.

So we are meeting, and we are doing everything we can. We have agreed to cut in half the original request we have asked for. We have agreed to a structure proposed by the Republican majority. We have said we are going to be flexible here, but we are not willing to walk away from Flint. We will not walk away from Flint. Too many people in the State of Michigan have done that for too long, and we are not going to do that. We are going to continue to do everything we can to fix this problem.

If clean water in America is not a basic human right, I don't know what is. I hope in the end we are going to be able to stand up and say in a bipartisan basis that we did this. That is all we are asking for—that we actually do something to fix this problem.

I see that face and the face of other children every night before I go to bed. Every morning when I get up I think about what is happening this morning, what is happening tonight, what is happening tomorrow in Flint. We are going to do everything we can to make sure other people remember and are willing to step up and treat them with the dignity and respect they deserve as American citizens.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WYDEN. Mr. President, I come to the floor today to talk about the Energy bill and, particularly, a very important and missing part of the Energy bill. But before I turn to that subject, I want to particularly note, with our colleague Senator STABENOW on the floor this afternoon, that I think she is doing extraordinary work on behalf of Flint and the people of Flint. I commend her and also her colleague Senator PETERS for trying to tackle this issue.

It seems almost unconscionable that in this age, when there is all this information and technology at our fingertips, a community is put at risk the way Flint has been put at risk. The idea that innocent children would suffer this way is why it is so important that we move now to address this issue. This is urgent.

There are questions we deal with in the Senate that if we take another few months or a half a year even, Western civilization isn't going to exactly change, but what my colleague from Michigan has said is that what we know about youngsters—and particularly brain development—if we don't get there early and we don't get there quickly, we play catchup ball for years and years to come, everything we know about neurological development. My friend knows that my wife and I are parents of small kids. We are so lucky they are healthy and have what a lot of youngsters in Flint aren't going to have. They are not going to have the kinds of problems that my colleague has brought to light here.

I saw one report in the news—it is almost beyond comprehension—that a State nurse told a Flint patient, ''It's just a few IQ points. . . . It is not the end of the world.'' The idea that a health professional—who I guess has been in a number of the national publications—just highlights how important it is that this Congress move, and move now.

My colleague and Senator PETERS, who is also doing a terrific job on this, have indicated there are some procedural and constitutional questions for the Finance Committee on which my colleague serves so well. I want her to know I am with her and the people of Flint every step of the way—not just this week and this month. This is going to be a challenge that is going to go on for some time. I just so appreciate what my colleague is doing. I am with her every step of the way.

Mr. President, I turn now to the Energy bill before us. I also want to commend the chair, Senator MURKOWSKI, and the ranking member, Senator CANTWELL, who have put together a bipartisan bill in the Energy Committee, which is something I know something about because I was the chair of the committee. I think my chairmanship began and ended before we had the opportunity to work more directly with the Presiding Officer, the Senator from Colorado. I look forward to working with him in the committee and very much appreciate our colleagues putting together this important package.

If there is one backdrop to this debate, it is the extraordinary challenge of climate change. In order to meet that challenge and beat back the threat of irrevocable damage that has climate scientists ringing such loud alarm bells, there are going to have to be some serious changes in energy policy. The legislation in this bipartisan bill moves in that direction, the details of which I intend to get into in a minute.

I do want to first discuss a part of this bill that frankly is missing. It is missing to this debate. That is because the reality is the heart of America's energy policy is in the Federal Tax Code. The last big energy tax proposal to become law passed in 2009. According to the National Oceanic and Atmospheric Administration, 5 of the 7 hottest years in recorded history have come since then. On the books today is an outdated, clumsy patchwork of energy tax incentives that in my view is anti-innovation and nothing short of a confusing, incomprehensible policy that does our country a disservice at a time when we have these great challenges.

There are 44 different energy tax breaks, and they cost about $125 billion each decade. Some industries—the oil and gas industry in particular—have some certainty about their taxes with permanent provisions. The fact is, renewable energy sources don't have that certainty. Some technologies get a lot of support. Others get little or none. It is a disjointed system that has far outlasted its sell-by date, and it is ripe for simplification.

The amendment Senators CANTWELL, BENNET, and I submitted replaces this tattered quilt of tax rules with a fresh approach, an approach I hope will appeal to colleagues on both sides of the aisle. The Presiding Officer and I have talked about energy policy being more market oriented. The kind of proposal we have made here does just that. It supports innovators with fresh, creative ideas. Particularly, I hope my colleagues on the other side of the aisle, because we talked about it often when I was chairman of the committee and also on the Finance Committee—concern about subsidies, a big concern about subsidies, and I am very concerned about that as well. The amendment we will be offering cuts the $125 billion pricetag in half. So when colleagues say we ought to be cutting back on tax subsidies, that is exactly what this proposal does. It replaces wasteful tax rules with a new, simple group of incentives that have just three goals: cleaner energy, cleaner transportation, and greater energy efficiency. Gone would be the system where oil companies get a direct deposit out of the taxpayer account each year while expired renewable incentives just sort of hang in limbo. For the first time, fossil fuel-burning plants would have a big financial reason to get cleaner by investing in high-tech turbine or carbon-capture technology. So that means everybody benefits by getting cleaner. Everybody in the energy sector—renewables, fossil fuel industries, everybody gets the incentive to be cleaner under the amendment I am offering.

The amendment is all about harnessing the market-based power of the private economy to reward clean energy, promote new technologies, and attack climate change. My view is this Congress ought to be doing everything it can to fight the steady creep toward a hotter climate. When we have legions

of scientists lining up to warn the American people about the dangers of climate change, and when we have policymakers, business leaders, and investors worldwide saying that clean energy is the 21st century gold rush, this is a bold energy policy transformation. The proposal I offer with Senators BENNET and CANTWELL ought to become law.

This may not happen in the context of the Energy Policy Modernization Act. I think we all understand the rules of the Senate, but I am very much looking forward to working with my colleagues to build support for this proposal in the days ahead. In my view the lack of tax provisions in this legislation is unfortunate. They ought to be in there. Tax policy is right at the heart of energy policy, but it certainly doesn't undermine my support for a great deal of what is in the overall package. That includes several provisions I authored and my colleagues and I on the Energy Committee included.

One focuses on geothermal energy. It is a proposal that is all about bringing the public and private sectors together to figure out where geothermal has the most potential in getting the projects underway. Another proposal in the package is the Marine and Hydrokinetic Renewable Energy Act, which says that with the right investments and innovations, our oceans, rivers, and lakes ought to be able to power millions of homes and contribute to the low-carbon economy. Note those words because we talk a lot in the Energy Committee about these issues. My view is there is an awful lot of bipartisan support for a lower carbon economy in this country, particularly one that grows jobs in the private sector, and this legislation does that.

In addition to promoting low-carbon sources of energy, the legislation will help communities be significantly more energy efficient. It will spur the development of a smarter electric grid that cuts waste, stores energy, and helps consumers save money on their utility bill. Finally, it will permanently reauthorize the Land and Water Conservation Fund, and that in my view is a win-win for the rural communities of my State and rural communities across this country. The Land and Water Conservation Fund brings more jobs and more recreation dollars to areas that need an economic boost, and it ensures that future generations of Americans are going to be able to enjoy our treasures for years and years to come.

I noted my concern about help for the city of Flint. I think it is so important that in the days and months ahead, when we come back to talk about important public health legislation—because that is really what this is, a public health crisis—I hope what we will say is we made a start, we made a beginning. We said it was too important to just delay moving ahead to address these enormous concerns that the families and the children of Flint are dealing with this evening. We have to ensure that this Congress takes action on this public health crisis quickly. I am committed to working with colleagues on both sides of the aisle, and as a member of both the Finance Committee and the Energy Committee I will have two opportunities to do it. I think we need to make this bill bipartisan and bicameral as quickly as possible.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEE). Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, the Senate is still at work crafting a package of energy legislation that can earn the support of a broad majority and potentially become this body's first comprehensive energy efficiency legislation since 2007.

This is my 126th weekly call to arms to wake us up to the duty we owe our constituents and future generations of Americans, not only to unleash the clean energy solutions that will propel our economy forward but also to stave off the devastating effects of carbon pollution.

I commend Energy Committee Chairman MURKOWSKI and her ranking member Senator CANTWELL for bringing us a bipartisan bill that builds upon some of the best ideas of the energy efficiency legislation championed not long ago by Senators SHAHEEN and PORTMAN. According to a report assessing the emissions reductions related to Shaheen-Portman done by the American Council for an Energy-Efficient Economy, the cumulative net savings of these provisions would reach around $100 billion over the years 2014 to 2030, along with a reduction of about 650 million metric tons of carbon dioxide emissions over that 15-year period.

While these are welcomed reductions, they are a fraction of what we expect just from the clean energy tax credit extensions that were included in the end-of-year omnibus. Those 5-year incentives for wind and solar will yield cumulative emissions reductions of over 1 billion metric tons of CO_2. And even then, we are still far from what we need to do to stem our flood of carbon pollution into the atmosphere and oceans.

Last year, the ranking member of the Energy and Natural Resources Committee, Senator CANTWELL, offered an ambitious legislative vision for growing our clean energy economy while tackling the growing climate crisis. Her Energy bill outlines achievable reductions in carbon pollution. It would repeal oil subsidies and level the playing field for clean energy. Estimated carbon reductions under her plan would be 34 percent below 2005 levels by 2025, which would help us achieve our international climate commitment. Our goals in the legislation now before us should be just as ambitious.

Of course, the big polluters always shout that any steps to reduce emissions will invariably hobble the economy. They have the nerve to say this while they are sitting on an effective subsidy every year, just in the United States, of $700 billion, according to the International Monetary Fund. It really takes nerve to complain while sitting on that big of a public subsidy.

In the bill before us, I was glad to add an amendment with my colleague from Idaho, Senator CRAPO, with the bipartisan support of Senators RISCH, BOOKER, HATCH, KIRK, and DURBIN, to strengthen the development of advanced nuclear energy technologies in partnerships between the government and our national labs and the private sector. The Holy Grail here is advanced reactors that could actually consume spent fuel from conventional reactors and help us draw down our nuclear waste stockpile.

I know that many of my Republican friends have supported commonsense climate action in the past. Senator MCCAIN ran for President on a strong climate change platform. Senator COLLINS coauthored an important cap-and-dividend bill with Senator CANTWELL. Senator KIRK voted for the Waxman-Markey cap-and-trade bill in the House. Senator FLAKE has written an article in support of a carbon tax that reduces income taxes. And there are more. So I hold out some hope, but it is hard.

There is a whole climate denial apparatus that helps manufacture doubt and delay action. The fossil fuel industry players controlling this machinery of denial use a well-worn playbook—the same tactics employed by the tobacco industry and the lead industry: Deny the scientific findings about the dangers their product causes, question the motives of the scientists they oppose, and exaggerate the costs of taking action. They tend to look only at the costs to them of having to clean up their act. They tend never to look at the cost to the public of the harm from their product. If accountants looked at only one side of the ledger like that, they would go to jail.

In each case, tobacco, lead, climate change, and other sophisticated campaigns of misinformation were used to mislead the public. So this is why I have submitted an amendment declaring the sense of the Senate disapproving corporations and the front organizations they fund to obscure their role that deliberately cast doubt on science in order to protect their own financial interests and urging the fossil fuel companies to cooperate with investigations that are now ongoing into what they knew about climate change and when they knew it.

I have also pressed to have the political contributions of these same polluters made transparent to the American people. The Supreme Court's awful Citizens United decision flung open the floodgates of corporate spending in our elections, giving wealthy corporate interests the ability to clobber, and perhaps even more important, to threaten to clobber politicians who don't toe their line.

My Republican colleagues have refused to shine the light on this spending, so since the amendment failed, Americans will remain in the dark about who was trying to influence their elections and how.

The Koch brothers-backed political juggernaut, Americans for Prosperity, has openly promised to punish candidates who support curbs on carbon pollution. The group's President said if Republicans support a carbon tax or climate regulations, they would ''be at a severe disadvantage in the Republican nomination process. . . . We would absolutely make that a crucial issue.'' The threat is not subtle: Step out of line, and here come the attack ads and the primary challengers, all funded by the deep pockets of the fossil fuel industry, powered up by Citizens United.

Unfortunately, a large portion of the funding behind this special interest apparatus is simply not traceable. Money is funneled through organizations that exist just to conceal the donor's identity. The biggest identity-laundering shops are Donors Trust and Donors Capital Fund. Indeed, these are by far the biggest sources of funding in the network or web of climate-denial front groups. These twin entities reported giving a combined $78 million to climate-denier groups between 2003 and 2010. Dr. Robert Brulle of Drexel University, who studies this network of fossil fuel-backed climate-denial fronts, reports that the Donors Trust and Donors Capital Fund operations are the ''central component'' and ''predominant funder'' of the denier apparatus, and at the same time, they are what he calls the ''black box that conceals the identity of contributors.''

The denial apparatus runs a complex scheme to delegitimize the honest, university-based science that supports curbing carbon emissions and to intimidate officials who would dare cross this industry. And, regrettably, it is working.

Since Citizens United let loose the threat of limitless dark money into our elections, a shadow has fallen over the Republican side of this Chamber. There is no longer any honest bipartisan debate on climate change, nor is there a single serious effort on the Republican side of the Presidential race.

So, anyway, I have submitted the amendment to require companies with $1 million or more in revenues from fossil fuel activities to disclose their hidden spending on electioneering communications, to bring them out of the dark. The amendment is cosponsored by Senators MARKEY, DURBIN, SANDERS, SHAHEEN, BALDWIN, LEAHY, MURPHY, BLUMENTHAL, and MENENDEZ.

Corporate and dark money, and particularly fossil fuel money, is now washing through our elections in what one newspaper memorably called a ''tsunami of slime.'' All my amendment would have done is show the American people who is trying to sway their votes from behind the dark money screen. It is a pretty simple idea. It is, in fact, precisely the solution prescribed by the Supreme Court Justices in the Citizens United decision. Moreover, it is an idea the Republicans have over and over again supported in the past. But now that dark money has become the Republican Party's life support system, all the opinions have changed.

Well, I believe fossil fuel money is polluting our democracy, just as their carbon emissions are polluting our atmosphere and oceans. It ought to be time to shine a light on that dark money. In a nutshell, we have been had by the fossil fuel industry, and it is time to wake up.

STUDENT LOAN DEBT

Mr. President, if I may change topics for a moment, we had a meeting this morning with a number of students from around the country who came in to share with us their concerns about the growing burden of student loan debt in this country, which I would argue has now reached a point of crisis.

Time and again, we tell young people that the path to the American dream runs through a college campus. Young people get this, and they respond to it. They overwhelmingly want to go to college, and they work hard to get there.

But the cost can be more than many students bargain for, especially once they leave school, with a degree or without, and get hit with student loan payments. Young people are graduating with more debt than ever before. For the past several years, as springtime rolls around and graduates get ready to cross the stage, we hear reports that average debt loads have increased yet again. Each new class seems to set a new record. The average graduating senior in the class of 2014 held $28,950 in student loan debt. Indeed, over the past decade, student loan debt has quadrupled. Total outstanding student loan debt held by 40 million Americans is now over $1.3 trillion. That makes student loans the second highest type of consumer debt after home mortgages. Student loans are more than both credit card debt and car loans. Rhode Islanders alone owe upward of $3.6 billion. Students who graduate from 4-year colleges and universities in Rhode Island emerge with an average of $31,841 in student loan debt.

I asked my colleagues, most of whom graduated many decades ago, can you imagine starting out in your life that deep in the red? This is the reality for so many Americans today. It is the reality for so many Rhode Islanders I have met with.

Tammy is a childcare provider from Warwick, RI. She spoke at a roundtable discussion Senator REED and I held in Rhode Island to hear firsthand from our constituents about the challenges they face in repaying student loan debt. Tammy has a master's degree in child development and early childhood education. The original principal balance on her student loan was $43,530.56. But even with a master's degree in child development and early childhood education, the pay has not been great. We went through that Wall Street-caused financial crisis and now, 16 years later, her balance has grown to $88,000. Instead of making headway on her debt, she slips further into the red.

Danielle from Narragansett, RI, racked up roughly $60,000 in student loan debt between her undergraduate and master's degrees from the University of Rhode Island. Now, she says, the burden of that debt is affecting the decisions her son, Talin, is making about his own college education. When a parent works and studies to make a better life for her child, the last thing she expects is for the cost of her education to limit her son's opportunities.

Ryan, also from Warwick, is a special education teacher. He was my guest at the State of the Union Address. He is going back to graduate school to become an even better educator. ''I've made a conscious choice,'' he says, ''to invest in my education and my ability to make a difference in the lives of my students as a teacher.'' But his loans are a heavy burden on his finances. He works a second job on top of his teaching job to help cover his expenses and pay down his loans. His debt is affecting his life decisions about things like marriage or buying a home. Why should becoming a better teacher mean postponing the dreams of adulthood?

Young people should enter the workforce ready to get their lives started—to earn, to create, to invest. College should be a path to opportunity, not a decades-long sentence of debt and instability, not deferred dreams of starting a family or buying a house.

The average age of the Senate today is just over 60, meaning most Senators were in college about 40 years ago. So we have no idea. Between then and now, the cost of college has increased more than 1,000 percent. According to Bloomberg Business, from 1978, when the records began, through 2012, the costs have increased by twelvefold—1,120 percent. Going to college in the seventies generally didn't leave students with insurmountable debt. Today it is a fact of life. We must work not just to stop but to reverse these trends.

It is because of this crisis in college affordability that my Democratic colleagues got together to create the Reducing Education Debt Act, or the RED Act. This important bill would do three vital things:

First, it would allow students to refinance their outstanding student debt

to take advantage of lower interest rates. That would put billions of dollars back into the pockets of people who invested in their education. Refinancing would help an estimated 24 million borrowers save an average of almost $1,900.

Second, the RED Act would make 2 years of community college tuition-free, helping students earn an associate's degree, the first half of a bachelor's degree, or get the skills they need to succeed in the workforce, all without having to take on so much debt. Free tuition at community college would save a full-time student an average of $3,800 per year and could help an estimated 9 million college students.

Third, the RED Act would help ensure that Pell grants—named for our great Rhode Island Senator Claiborne Pell—keep up with the rising costs by indexing part of the Pell grant to inflation permanently. By indexing the Pell grant, compared to current law, the maximum Pell grant award would increase by $1,300 for the 2026–2027 school year, resulting in larger awards for over 9 million students, helping to reduce their debt.

We think the RED Act is a critical step toward an essential goal: debt-free college.

The American middle class was built in part on the opportunity provided by higher education. Believe it or not, it was once common to be able to go to college and graduate with no debt. We owe it to today's college students to be able to leave college and begin to build their lives free of debt and ready to achieve their dreams.

We look forward to bipartisan participation on this issue in the Senate, although regrettably it has virtually never appeared in the Republican Presidential debates as an issue. There are 40 million students with $1.3 trillion in debt—not interested, not compared to Benghazi. So I am hoping we will do better than those candidates in this Chamber and be able to pull a bipartisan solution together that will relieve that burden of debt on our next generation.

Mr. President, I yield the floor.

I see the senior Senator of Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first, I commend Senator WHITEHOUSE, my colleague from Rhode Island, for his very thoughtful leadership on this issue of education and particularly the situation where so many young people are so deeply in debt after a college education.

It was Senator WHITEHOUSE who organized a meeting in Rhode Island. I was there and I listened to the story he just related. It is astounding, the debt these young people and in some cases middle-aged people are shouldering. We have to do something. I would like to commend and thank him for his leadership and urge a bipartisan effort in this regard.

Mr. President, I was on the floor last week, and I spoke about a series of two amendments that I was working with Senator HELLER on, and they are all focused on enhancing energy storage. I thank Senator HELLER for his efforts in so many ways but particularly this bipartisan effort to enhance the Energy bill that is before us. Indeed, earlier this week, we were able to pass one of these amendments, No. 2989, that we introduced together to improve coordination of Department of Energy programs and authorities in order to maximize the amount of money that goes toward energy storage research and development.

Let me particularly thank Energy and Natural Resources Committee chairperson LISA MURKOWSKI and ranking member MARIA CANTWELL for their great efforts overall and particularly for their help in getting the Reed-Heller amendment through. They have done an extraordinary job on this legislation.

As I have indicated, we have two amendments. I have also joined Senator HELLER on another amendment. He is the lead author. This amendment would amend the Public Utility Regulatory Policies Act—or PURPA, as it is known—to require industry and State regulators to consider energy storage when making their energy efficiency plans. By encouraging energy storage usage by public utilities, we will help expand the reach of this needed technology.

There are many technical, financial, and security benefits to energy storage, including: improving grid utilization by storing and moving low-cost power into higher priced markets, thereby reducing the amount we all pay on our utility bills; increasing the value and the amount of renewable energy in the grid, thereby reducing greenhouse gas emissions; and enhancing the security of the grid, thereby ensuring critical access to power in an emergency. We are all each day much more cognizant of the threat not just through natural disasters but through particular cyber intrusions which could affect our energy grid. This would be another way in which we could not only protect ourselves but respond more quickly in the case of any of these natural or manmade disasters.

I want to conclude by again thanking my colleague and friend Senator HELLER and urge our colleagues to work with us in a bipartisan fashion to adopt this amendment.

With that, Mr. President, I thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 757

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following morning business on Wednesday, February 10, the Senate proceed to the consideration of Calendar No. 359, H.R. 757; that there be up to 7 hours of debate equally divided in the usual form; that following the use or yielding back of that time the committee-reported amendment be agreed to, the bill, as amended, be read a third time, and the Senate vote on the bill with no intervening action or debate.

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

Mr. MCCONNELL. Mr. President, I would just say what we have just done is lock in a vote on the North Korea sanctions bill that has been crafted by Chairman CORKER and Senator GARDNER, a very important piece of legislation that I am pleased to say the whole Senate thinks ought to be taken up, voted on, and passed. It will be an important change in our policy toward this rogue regime.

UNITED STATES-JORDAN DEFENSE COOPERATION ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 907 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 907) to improve defense cooperation between the United States and the Hashemite Kingdom of Jordan.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Rubio amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 3278) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States-Jordan Defense Cooperation Act of 2015''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As of January 22, 2015, the United States Government has provided $3,046,343,000 in assistance to respond to the Syria humanitarian crisis, of which nearly $467,000,000 has been provided to the Hashemite Kingdom of Jordan.

(2) As of January 2015, according to the United Nations High Commissioner for Refugees, there were 621,937 registered Syrian refugees in Jordan and 83.8 percent of whom lived outside refugee camps.

(3) In 2000, the United States and Jordan signed a free-trade agreement that went into force in 2001.

(4) In 1996, the United States granted Jordan major non-NATO ally status.

(5) Jordan is suffering from the Syrian refugee crisis and the threat of the Islamic State of Iraq and the Levant (ISIL).

(6) The Government of Jordan was elected as a non-permanent member of the United Nations Security Council for a 2-year term ending in December 2015.

(7) Enhanced support for defense cooperation with Jordan is important to the national security of the United States, including through creation of a status in law for Jordan similar to the countries in the North Atlantic Treaty Organization, Japan, Australia, the Republic of Korea, Israel, and New Zealand, with respect to consideration by Congress of foreign military sales to Jordan.

(8) The Colorado National Guard's relationship with the Jordanian military provides a significant benefit to both the United States and Jordan.

(9) Jordanian pilot Moaz al-Kasasbeh was brutally murdered by ISIL.

(10) On February 3, 2015, Secretary of State John Kerry and Jordanian Foreign Minister Nasser Judeh signed a new Memorandum of Understanding that reflects the intention to increase United States assistance to the Government of Jordan from $660,000,000 to $1,000,000,000 for each of the years 2015 through 2017.

(11) On December 5, 2014, in an interview on CBS This Morning, Jordanian King Abdullah II stated—

(A) in reference to ISIL, ''This is a Muslim problem. We need to take ownership of this. We need to stand up and say what is wrong''; and

(B) ''This is our war. This is a war inside Islam. So we have to own up to it. We have to take the lead. We have to start fighting back.''.

SEC. 3. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to support the Hashemite Kingdom of Jordan in its response to the Syrian refugee crisis;

(2) to provide necessary assistance to alleviate the domestic burden to provide basic needs for the assimilated Syrian refugees;

(3) to cooperate with Jordan to combat the terrorist threat from the Islamic State of Iraq and the Levant (ISIL) or other terrorist organizations; and

(4) to help secure the border between Jordan and its neighbors Syria and Iraq.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) expeditious consideration of certifications of letters of offer to sell defense articles, defense services, design and construction services, and major defense equipment to the Hashemite Kingdom of Jordan under section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is fully consistent with United States security and foreign policy interests and the objectives of world peace and security;

(2) Congress welcomes the statement of King Abdullah II quoted in section (2)(11); and

(3) it is in the interest of peace and stability for regional members of the Global Coalition to Combat ISIL to continue their commitment to, and increase their involvement in, addressing the threat posed by ISIL.

SEC. 5. ENHANCED DEFENSE COOPERATION.

(a) IN GENERAL.—During the 3-year period beginning on the date of the enactment of this Act, the Hashemite Kingdom of Jordan shall be treated as if it were a country listed in the provisions of law described in subsection (b) for purposes of applying and administering such provisions of law.

(b) ARMS EXPORT CONTROL ACT.—The provisions of law described in this subsection are—

(1) subsections (b)(2), (d)(2)(B), (d)(3)(A)(i), and (d)(5) of section 3 of the Arms Export Control Act (22 U.S.C. 2753);

(2) subsections (e)(2)(A), (h)(1)(A), and (h)(2) of section 21 of such Act (22 U.S.C. 2761);

(3) subsections (b)(1), (b)(2), (b)(6), (c), and (d)(2)(A) of section 36 of such Act (22 U.S.C. 2776);

(4) section 62(c)(1) of such Act (22 U.S.C. 2796a(c)(1)); and

(5) section 63(a)(2) of such Act (22 U.S.C. 2796b(a)(2)).

SEC. 6. MEMORANDUM OF UNDERSTANDING.

Subject to the availability of appropriations, the Secretary of State is authorized to enter into a memorandum of understanding with the Hashemite Kingdom of Jordan to increase economic support funds, military cooperation, including joint military exercises, personnel exchanges, support for international peacekeeping missions, and enhanced strategic dialogue.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 907), as amended, was passed.

RESOLUTIONS SUBMITTED TODAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 357, S. Res. 358, S. Res. 359, and S. Res. 360.

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

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

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

The resolutions were agreed to.

The preambles were agreed to.

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

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ENERGY POLICY MODERNIZATION ACT OF 2015—Continued

Ms. MURKOWSKI. Mr. President, we have been relatively quiet on the Senate floor today with consideration of the Energy Policy Modernization Act, but that does not mean that there has not been a great deal of activity behind the scenes as we try to work out some of the issues that remain before us as we move to consider how we can successfully modernize our energy policies, an effort that many have been engaged in and great efforts of collaboration and cooperation.

To our colleagues who are looking forward to activity on this measure, know that, as the managing Members on the floor, we too are looking forward to figuring out the way that we are able to advance this important bipartisan reform legislation.

I recognize that we are at the end of the day.

MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

VOTE EXPLANATION

Ms. KLOBUCHAR. Mr. President, today I wish to discuss Senate amendment No. 3021, which would enable research and development of advanced nuclear energy technologies. I support this amendment but was not present when the Senate voted to adopt it 87–4 on Thursday, January 28, 2016.

Had I been present, I would have voted in favor of the amendment, and my vote would not have changed the outcome of this amendment.

Research and development into the next generation of innovative energy technologies are important to our Nation's all-of-the-above energy strategy.

Thank you.

UNITED SERVICE ORGANIZATIONS 75TH ANNIVERSARY

Mr. REED. Mr. President, I would like to take this opportunity to congratulate the United Service Organizations, commonly known as the USO, on its 75th anniversary. Since February 4, 1941, the USO has been serving alongside our men and women in uniform.

Ahead of our entry into World War II and having witnessed the morale issues among the ranks during World War I, Army Chief of Staff General George C. Marshall called for an effort that would bring together private, civilian organizations to provide recreational activities and entertainment for the troops. As President Franklin D. Roosevelt stated, ''not by machines alone will we win this war,'' and so he directed the newly formed USO to keep servicemembers in touch with the comforts of home, no matter where they were deployed.

Initially led by the YMCA, YWCA, the Salvation Army, the National Jewish Welfare Board, the National Catholic Community Service, and the Traveler's Aid Society, the USO provided

servicemen with wholesome recreation and entertainment. According to Walter Hoving, one of the original directors of the USO, ''this is not only vital to military morale but also from the standpoint of the future of our youth as peacetime citizens.''

Seventy-five years later, the USO continues to adapt to meet the needs of our men and women in uniform and their families. From USO centers at or near military installations across the United States and around the world, to their airport centers that offer around-the-clock hospitality for traveling servicemembers, to their trademark tours that bring America's celebrities to entertain our troops, to their support for military kids, wounded warriors and their caregivers, and families of the fallen, the USO has answered the call to serve those who serve our Nation.

The USO remains a private organization, relying on the generosity of individuals, communities, and corporations and 30,000 dedicated volunteers. As General Eisenhower wrote many decades ago, ''the USO served also in providing a channel through which more than a million civilian men and women were able to help effectively in the war effort.'' The same holds true today.

I would like to thank the many men and women of the USO who give so much to bring a bit of home to our servicemembers all over the globe. I congratulate the USO on 75 years of strengthening America's military by keeping servicemembers connected to family, home, and country wherever they go.

REMEMBERING ANITA ASHOK DATA

Mrs. GILLIBRAND. Mr. President, today I wish to celebrate the life of an extraordinary woman named Anita Ashok Data. She was a mother, a daughter, a sister, and a dear friend to those who knew her.

Anita was born in Pittsfield, MA, and was raised in Flanders, NJ. She was a graduate of Columbia University's Mailman School of Public Health and School of International and Public Affairs, where she attained a master's in public health and a master's in public administration. At the time of her death, Anita was a resident of Takoma Park, MD.

Anita dedicated her life to helping others. She was an international public health expert and development worker who traveled the world, working tirelessly in pursuit of one powerful goal: to improve the lives of those less fortunate.

Anita began her career in the Peace Corps, where she volunteered for a 2-year tour in Senegal, a country in a part of the world that she had come to love so much.

After graduating from Columbia University, Anita moved to the Washington, DC, area where she continued her career as an international development worker.

In addition to her day job, Anita helped found the not-for-profit Tulalens, an organization dedicated to connecting low-income women in underserved communities to quality health services.

But out of all of her many accomplishments, Anita was most proud of her son, Rohan. Rohan was the light of her life. Anita loved working to make the world a better place for him.

Anita's inspiring life was cut short on November 20, 2015, in a senseless act of violent terrorism in Bamako, Mali.

But Anita and her life—and the lives of the thousands of people she touched—are far bigger than the tragic event that occurred on that day.

Anita's love, spirit, and dedication to making the world a better place will have a lasting effect. The world is a better place because of Anita and the work that she did.

I extend my deepest, heartfelt sympathies to Anita's family and friends—especially to her son, Rohan.

TRIBUTE TO EDWARD JOHNSON

Mr. HOEVEN. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD in recognition of the service of Edward Johnson, chief financial officer of the Federal Emergency Management Agency, upon his retirement from the Federal Government.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEMA,
DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, December 15, 2015.

EDWARD JOHNSON,
Chief Financial Officer, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC.

DEAR MR. JOHNSON: It is with a great sense of gratitude that I write this letter in recognition of your 38 years of service to our nation. On the cusp of your retirement, I want to acknowledge your leadership, management, and business acumen, which directly and significantly contributed to the Department of Homeland Security's financial management success.

You have been a tireless leader in the Department's senior leadership cadre, providing sage advice on a wide range of issues and challenging convention as a valued member of the DHS Chief Financial Officer Council. I am particularly thankful for your most recent efforts at the Federal Emergency Management Agency (FEMA), in building a Planning Programming Budgeting and Execution structure, which championed a disciplined resource management paradigm as a foundational element of the Agency's strategic plan. As part of FEMA's leadership team, you revamped the Agency's Program and Budget Review system, instituting Quarterly Resource Reviews and chartering a senior leadership council responsible for making all resource management recommendations for the Agency. Your steadfast work yielded tangible, positive results in the development of FEMA's yearly budget submission and in ensuring the most effective and efficient use of scarce resources.

Thanks to your leadership, FEMA also made significant strides in the financial system modernization arena. FEMA is now in the forefront amongst federal agencies as we rapidly advance the replacement of unsustainable legacy financial systems that bring together diverse equities in an effort to save taxpayer dollars while making government more streamlined and efficient. Simply put, you were the right leader to pull this complex set of financial system needs together and move them into the future. As a result of these and other accomplishments, you were recognized as one of the Federal 100 by FCW, a public sector trade publication.

Prior to joining our team at FEMA, you served DHS in a number of capacities where you were continuously recognized as one of the top civil servants. From your service as Director of the Burlington Finance Center for the U.S. Immigration and Customs Enforcement to your tenure at the U.S. Citizens and Immigration Services, you worked tirelessly to advance the Department's mission in service to the American people.

On behalf of FEMA's leadership team, our entire workforce and a grateful nation, I want to wish you and your wife Donna good luck and good health as you enter this new chapter in your lives. I will forever remain grateful for your wise counsel and tireless service.

Sincerely,

W. CRAIG FUGATE,
Administrator.

RECOGNIZING REAL SERVICES

Mr. DONNELLY. Mr. President, today I wish to recognize the 50th anniversary of REAL Services, an organization that works to support independence and higher quality of life for the elderly, disabled, and low-income Hoosiers in northern Indiana.

In 1966, Lester J. Fox founded REAL Services to create a service network for seniors in St. Joseph County. With the help of a Federal grant from the U.S. Administration on Aging, REAL Services developed programs to address the housing, health, employment, and legal needs of those aging in St. Joseph County.

REAL Services expanded its reach in 1981 to include assistance programs for poverty-stricken Hoosiers. In 2013, REAL Services merged with the Alzheimer's and Dementia Services of Northern Indiana. Today REAL Services assists more than 30,000 elderly, disabled, and destitute Hoosiers annually in 12 northern Indiana counties through more than 20 programs. This would not be possible without those who volunteer their time to further REAL Services's reach and mission. On average, REAL Services has 2,000 volunteers each year.

The effectiveness of REAL Services's commitment to preserving the self-sufficiency and life quality of elderly, disabled, and low-income Hoosiers has been highly praised over the years. In May 1974, then-Governor of Indiana, Otis R. Bowen, designated REAL Services as the Area Agency on Aging for five counties in northern Indiana. A little over a decade later, then-Governor Robert D. Orr designated the organization the Community Action Agency in northern Indiana.

In 2005, REAL Services was designated by the Federal Government as

an Aging and Disability Resource Center. REAL Services was one of two Indiana organizations to pilot this designation, which was funded jointly by the Federal Administration on Aging and the Center for Medicine and Medicaid Services. REAL Services continues its work as an Aging and Disability Resource Center.

Additionally, REAL Services created the first Nutrition Site in the United States, a program that provides the elderly with meals, educational courses, and a sense of community. This model served as an example for nutrition programs instituted across the country as part of the Older Americans Act. It is clear that over the past five decades REAL Services has helped make our State and our country a better place for thousands of Hoosiers and Americans.

On behalf of the citizens of Indiana, I thank REAL Services for the hard work they do every day for the people of our great State who need our help the most, and I congratulate them on an important milestone. From its inception, REAL Services has demonstrated a dedication to those they serve and continues to promote human dignity. I commend REAL Services for exemplifying the beliefs we hold as Hoosiers: recognition of the value of all people and a willingness to lend a hand to those in need. I am proud that REAL Services calls Indiana home, and I wish them continued success in the years to come.

MESSAGE FROM THE PRESIDENT

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13396 ON FEBRUARY 7, 2006, WITH RESPECT TO THE SITUATION IN OR IN RELATION TO CÔTE D'IVOIRE—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency, unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13396 of February 7, 2006, with respect to the situation in or in relation to Côte d'Ivoire is to continue in effect beyond February 7, 2016.

The Government of Côte d'Ivoire and its people continue to make significant progress in promotion of democratic, social, and economic development. We congratulate Côte d'Ivoire on holding a peaceful and credible presidential election, which represents an important milestone on the country's road to full recovery. The United States also supports the advancement of national reconciliation and impartial justice in Côte d'Ivoire. The United States is committed to helping Côte d'Ivoire strengthen its democracy and stay on the path of peaceful democratic transition, and we look forward to working with the Government and people of Côte d'Ivoire to ensure continued progress and lasting peace for all Ivoirians.

While the Government of Côte d'Ivoire and its people continue to make progress towards consolidating democratic gains and peace and prosperity, the situation in or in relation to Côte d'Ivoire continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons contributing to the conflict in Côte d'Ivoire.

BARACK OBAMA.

THE WHITE HOUSE, *February 3, 2016*.

MESSAGES FROM THE HOUSE

At 11:43 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 3762) to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3662. An act to enhance congressional oversight over the administration of sanctions against certain Iranian terrorism financiers, and for other purposes.

ENROLLED BILL SIGNED

At 12:16 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2152. An act to establish a comprehensive United States Government policy to encourage the efforts of countries in sub-Saharan Africa to develop an appropriate mix of power solutions, including renewable energy, for more broadly distributed electricity access in order to support poverty reduction, promote development outcomes, and drive economic growth, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 2:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3700. An act to provide housing opportunities in the United States through modernization of various housing programs, and for other purposes.

ENROLLED BILLS SIGNED

At 7:13 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that that Speaker has signed the following enrolled bills:

H.R. 515. An act to protect children and others from sexual abuse and exploitation, including sex trafficking and sex tourism, by providing advance notice of intended travel by registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known sex offender is seeking to enter the United States, and for other purposes.

H.R. 4188. An act to authorize appropriations for the Coast Guard for fiscal years 2016 and 2017, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3662. An act to enhance congressional oversight over the administration of sanctions against certain Iranian terrorism financiers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3700. An act to provide housing opportunities in the United States through modernization of various housing programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4168. An act to amend the Small Business Investment Incentive Act of 1980 to require an annual review by the Securities and Exchange Commission of the annual government-business forum on capital formation that is held pursuant to such Act.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 3, 2016, she had presented to the President of the United States the following enrolled bill:

S. 2152. An act to establish a comprehensive United States Government policy to encourage the efforts of countries in sub-Saharan Africa to develop an appropriate mix of power solutions, including renewable energy, for more broadly distributed electricity access in order to support poverty reduction, promote development outcomes, and drive economic growth, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC–4259. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Black Stem Rust; Additions of Rust-Resistant Species and Varieties'' (Docket No. APHIS–2015–0079) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4260. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Lacey Act Implementation Plan; Definitions for Exempt and Regulated Articles'' ((RIN0579–AD11) (Docket No. APHIS–2009–0018)) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4261. A communication from the Management and Program Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Stewardship End Result Contracting Projects'' (RIN0596–AD25) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4262. A communication from the Chief of the Planning and Regulatory Affairs Branch, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Nutrition Assistance Program: Review of Major Changes in Program Design and Management Evaluation Systems'' (RIN0584–AD86) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4263. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Competitive and Noncompetitive Non-formula Federal Assistance Programs—General Award Administrative Provisions and Specific Administrative Provisions'' (RIN0524–AA58) received in the Office of the President of the Senate on February 1, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4264. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hispanic-Serving Agricultural Colleges and Universities (HSACU)'' (RIN0524–AA39) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4265. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Single Family Housing Guaranteed Loan Programs'' ((7 CFR part 3555) (RIN0575–AC18)) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4266. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting, pursuant to law, a report of the submission of a certification renewal pertaining to a collection of photographs assembled by the Department of Defense that were taken in the period between September 11, 2001 and January 22, 2009; to the Committee on Armed Services.

EC–4267. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Banking, Housing, and Urban Affairs.

EC–4268. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Libya that was originally declared in Executive Order 13566 of February 25, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4269. A communication from the Director, Office of Financial Research, Department of the Treasury, transmitting, pursuant to law, the Office's 2015 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–4270. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedure for Pumps'' ((RIN1905–AD50) (Docket No. EERE–2013–BT–TP–0055)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Energy and Natural Resources.

EC–4271. A communication from the Secretary of Energy, transmitting proposed legislation; to the Committee on Energy and Natural Resources.

EC–4272. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Port Everglades project in Broward County, Florida; to the Committee on Environment and Public Works.

EC–4273. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Orestimba Creek project near the city of Newman in West Stanislaus County, California; to the Committee on Environment and Public Works.

EC–4274. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a project along the Upper Des Plaines River and Tributaries in Illinois and Wisconsin; to the Committee on Environment and Public Works.

EC–4275. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a project from Hereford Inlet to Cape May Inlet, New Jersey; to the Committee on Environment and Public Works.

EC–4276. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Covered Outpatient Drugs'' ((RIN0938–AQ41) (CMS–2345–FC)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Finance.

EC–4277. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Face-to-Face Requirements for Home Health Services; Policy Changes and Clarifications Related to Home Health'' ((RIN0938–AQ36) (CMS–2348–F)) received in the Office of the President of the Senate on January 28, 2016; to the Committee on Finance.

EC–4278. A communication from the Chair of the Medicaid and CHIP Payment and Access Commission, transmitting, pursuant to law, a report entitled ''Report to Congress on Medicaid Disproportionate Share Hospital Payments''; to the Committee on Finance.

EC–4279. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled, ''Review of Medicare's Program for Oversight of Accrediting Organizations and the Clinical Laboratory Improvement Validation Program: Fiscal Year 2015''; to the Committee on Finance.

EC–4280. A communication from the Deputy Director, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Temporary Assistance for Needy Families (TANF) Program, State Reporting on Policies and Practices to Prevent Use of TANF Funds in Electronic Benefit Transfer Transactions in Specified Locations'' (RIN0970–AC56) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Finance.

EC–4281. A communication from the Deputy Director, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Examination of Aliens—Revisions to Medical Screening Process'' (RIN0920–AA28) received during adjournment of the Senate in the Office of the President of the Senate on January 27, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–4282. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, reports entitled ''Community Services Block Grant (CSBG) Program Report'' for fiscal years 2011 and 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4283. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food; Technical Amendment'' ((RIN0910–AG36) (Docket No. FDA–2011–N–0920)) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–4284. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals; Technical Amendment'' ((RIN0910–AG10) (Docket No. FDA–2011–N–0922)) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–4285. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food; Correction'' ((RIN0910–AG36) (Docket No. FDA–2011–N–0920)) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–4286. A communication from the Deputy Assistant Administrator, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Self-Certification and Employee Training of Mail-Order Distributors of Scheduled Listed Chemical Products'' ((RIN1117–AB30) (Docket No. DEA–347)) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on the Judiciary.

EC–4287. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Revised Jurisdictional Thresholds for Section 8 of the Clayton Act'' (FR Doc. 2016–01452) received in the Office of the President of the Senate on February 1, 2016; to the Committee on the Judiciary.

EC–4288. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Administrative Debt Collection Procedures'' (16 CFR Part 1) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4289. A communication from the Senior Regulations Analyst, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Electronic Logging Devices and Hours of Service Supporting Documents'' (RIN2126–AB20) received in the Office of the President of the Senate on January 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4290. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; 2016 Atlantic Shark Commercial Fishing Season'' (RIN0648–XD898) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4291. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; Vessel Register Required Information, International Maritime Organization Numbering Scheme'' (RIN0648–BE99) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4292. A communication from the Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Blueline Tilefish Fishery; Secretarial Emergency Action'' (RIN0648–BE97) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4293. A communication from the Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Revise Maximum Retainable Amounts for Skates in the Gulf of Mexico'' (RIN0648–BE85) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4294. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Establish a Single Small Business Size Standard for Commercial Fishing Businesses'' (RIN0648–BE92) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2016; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 553. A bill to marshal resources to undertake a concerted, transformative effort that seeks to bring an end to modern slavery, and for other purposes.

By Mr. GRASSLEY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2040. A bill to deter terrorism, provide justice for victims, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself, Mr. ROUNDS, Mr. CORNYN, and Mr. TOOMEY):

S. 2485. A bill to provide for the immediate reinstatement of sanctions against Iran if Iran attempts to acquire nuclear weapons technology from North Korea; to the Committee on Foreign Relations.

By Mr. KIRK (for himself and Mrs. GILLIBRAND):

S. 2486. A bill to enhance electronic warfare capabilities, and for other purposes; to the Committee on Armed Services.

By Mrs. BOXER (for herself, Mrs. ERNST, Mr. BLUMENTHAL, and Mr. BROWN):

S. 2487. A bill to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 2488. A bill to extend the authority of the Secretary of the Interior to carry out the Equus Beds Division of the Wichita Project; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE (for himself and Mrs. FEINSTEIN):

S. 2489. A bill to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent the formation of corporations with hidden owners, stop the misuse of United States corporations by wrongdoers, and assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, tax evasion, and other criminal and civil misconduct involving United States corporations, and for other purposes; to the Committee on the Judiciary.

By Mr. FLAKE:

S. 2490. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. PETERS (for himself and Ms. STABENOW):

S. 2491. A bill to amend the Head Start Act by establishing grants for Head Start programs in communities affected by toxic pollutants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Ms. CANTWELL, Mr. CARDIN, Mr. BROWN, and Mr. CASEY):

S. 2492. A bill to amend the Internal Revenue Code of 1986 to provide matching payments for retirement savings contributions by certain individuals; to the Committee on Finance.

By Mr. CASSIDY:

S. 2493. A bill to expand eligibility for hospital care and medical services under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 to include veterans who are age 75 or older, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MARKEY (for himself and Ms. WARREN):

S. 2494. A bill to amend the Federal Power Act to provide that any inaction by the Federal Energy Regulatory Commission that allows a rate change to go into effect shall be treated as an order by the Commission for purposes of rehearing and court review; to the Committee on Energy and Natural Resources.

By Mr. CRAPO (for himself, Mr. HATCH, Mr. DAINES, Mr. MORAN, Mr. HELLER, Mr. SULLIVAN, Mr. INHOFE, Mr. ROBERTS, Mrs. ERNST, and Mr. ENZI):

S. 2495. A bill to amend the Social Security Act relating to the use of determinations made by the Commissioner; to the Committee on the Judiciary.

By Mr. COONS (for himself, Mr. RISCH, and Mrs. SHAHEEN):

S. 2496. A bill to provide flexibility for the Administrator of the Small Business Administration to increase the total amount of general business loans that may be guaranteed under section 7(a) of the Small Business Act; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER (for himself, Mr. CASSIDY, and Mr. CASEY):

S. Res. 357. A resolution recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States; considered and agreed to.

By Mrs. MURRAY (for herself, Ms. COLLINS, Mr. DURBIN, Mrs. FEINSTEIN, Ms. BALDWIN, Mr. FRANKEN, Ms. STABENOW, Mr. MURPHY, Mr. WYDEN, Ms. MIKULSKI, Mr. CASEY, Mr. CORNYN, Mr. DONNELLY, Mr. KING, Mr. SCHATZ, and Ms. AYOTTE):

S. Res. 358. A resolution designating February 1 through 5, 2016, as ''National School Counseling Week''; considered and agreed to.

By Ms. HEITKAMP (for herself, Mr. JOHNSON, Mr. CARPER, Mr. UDALL, Mr. CASSIDY, Mr. PETERS, Mr. LANKFORD, Mrs. MURRAY, Mrs. BOXER, and Ms. COLLINS):

S. Res. 359. A resolution celebrating the 10th anniversary of the unification of the air and marine assets of U.S. Customs and Border Protection to establish the Air and Marine Operations of U.S. Customs and Border Protection; considered and agreed to.

By Mr. ROBERTS (for himself, Ms. STABENOW, Mr. TILLIS, and Mr. SASSE):

S. Res. 360. A resolution congratulating the National Association of State Departments of Agriculture on the celebration of its 100th anniversary; considered and agreed to.

By Mr. CORKER (for himself, Mr. CARDIN, Mr. PERDUE, Mrs. BOXER, Mr. MURPHY, Mr. MARKEY, Mrs. SHAHEEN, Mr. COONS, Mr. UDALL, Mr. KAINE, and Mr. MENENDEZ):

S. Res. 361. A resolution urging robust funding for humanitarian relief for Syria; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 493

At the request of Mr. DAINES, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 493, a bill to reduce a portion of the annual pay of Members of Congress for the failure to adopt a concurrent resolution on the budget which does not provide for a balanced budget, and for other purposes.

S. 771

At the request of Mr. COONS, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 771, a bill to emphasize manufacturing in engineering programs by directing the National Institute of Standards and Technology, in coordination with other appropriate Federal agencies including the Department of Defense, Department of Energy, and National Science Foundation, to designate United States manufacturing universities.

S. 786

At the request of Mrs. GILLIBRAND, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 786, a bill to provide paid and family medical leave benefits to certain individuals, and for other purposes.

S. 901

At the request of Mr. MORAN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 901, a bill to establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces that are related to that exposure, to establish an advisory board on such health conditions, and for other purposes.

S. 1390

At the request of Mr. GARDNER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1390, a bill to help provide relief to State education budgets during a recovering economy, to help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians, and for other purposes.

S. 1855

At the request of Ms. HIRONO, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 1855, a bill to provide special foreign military sales status to the Philippines.

S. 1890

At the request of Mr. HATCH, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 1890, a bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

S. 1944

At the request of Mr. SULLIVAN, the names of the Senator from Colorado (Mr. GARDNER) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 1944, a bill to require each agency to repeal or amend 1 or more rules before issuing or amending a rule.

S. 2068

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2068, a bill to amend the Internal Revenue Code of 1986 to include automated fire sprinkler system retrofits as section 179 property and classify certain automated fire sprinkler system retrofits as 15-year property for purposes of depreciation.

S. 2185

At the request of Ms. HEITKAMP, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New Mexico (Mr. HEINRICH), the Senator from Virginia (Mr. WARNER), the Senator from Colorado (Mr. BENNET), the Senator from Florida (Mr. NELSON), the Senator from Montana (Mr. TESTER) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 2185, a bill to require the Secretary of the Treasury to mint coins in recognition of the fight against breast cancer.

S. 2186

At the request of Mr. COTTON, his name was added as a cosponsor of S. 2186, a bill to provide the legal framework necessary for the growth of innovative private financing options for students to fund postsecondary education, and for other purposes.

S. 2230

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2230, a bill to require the Secretary of State to submit a report to Congress on the designation of the Muslim Brotherhood as a foreign terrorist organization, and for other purposes.

S. 2423

At the request of Mrs. SHAHEEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2423, a bill making appropriations to address the heroin and opioid drug abuse epidemic for the fiscal year ending September 30, 2016, and for other purposes.

S. 2437

At the request of Ms. MIKULSKI, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2437, a bill to amend title 38, United States Code, to provide for the burial of the cremated remains of persons who served as Women's Air Forces Service Pilots in Arlington National Cemetery, and for other purposes.

S. 2469

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2469, a bill to repeal the Protection of Lawful Commerce in Arms Act.

S. 2473

At the request of Mr. SULLIVAN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 2473, a bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide veterans the option of using an alternative appeals process to more quickly determine claims for disability compensation, and for other purposes.

S. 2474

At the request of Mr. COTTON, the names of the Senator from Florida (Mr. RUBIO), the Senator from Texas (Mr. CRUZ) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. 2474, a bill to allow for additional markings, including the words ''Israel'' and ''Product in Israel,'' to be used for country of origin marking requirements for goods made in the geographical areas known as the West Bank and Gaza Strip.

S. RES. 349

At the request of Mr. ROBERTS, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. Res. 349, a resolution congratulating the Farm Credit System on the celebration of its 100th anniversary.

AMENDMENT NO. 2954

At the request of Mr. CASSIDY, the name of the Senator from Pennsylvania (Mr. TOOMEY) was withdrawn as a cosponsor of amendment No. 2954 proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 2977

At the request of Mr. CASSIDY, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of amendment No. 2977 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3035

At the request of Mr. FRANKEN, his name was added as a cosponsor of

amendment No. 3035 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3120

At the request of Mr. KING, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 3120 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3131

At the request of Mr. MERKLEY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 3131 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3166

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 3166 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3186

At the request of Mrs. FISCHER, the names of the Senator from Nebraska (Mr. SASSE) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of amendment No. 3186 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3192

At the request of Mr. CASSIDY, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of amendment No. 3192 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3214

At the request of Mr. CRAPO, his name was added as a cosponsor of amendment No. 3214 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 357—RECOGNIZING THE GOALS OF CATHOLIC SCHOOLS WEEK AND HONORING THE VALUABLE CONTRIBUTIONS OF CATHOLIC SCHOOLS IN THE UNITED STATES

Mr. VITTER (for himself, Mr. CASSIDY, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 357

Whereas Catholic schools in the United States are internationally acclaimed for their academic excellence and provide students with more than an exceptional scholastic education;

Whereas Catholic schools instill a broad, values-based education, emphasizing the lifelong development of moral, intellectual, physical, and social values in young people in the United States;

Whereas Catholic schools provide a high level of service to the United States by providing a strong academic and moral foundation to a diverse student population from all regions of the country and all socioeconomic backgrounds;

Whereas Catholic schools produce students who are strongly dedicated to their faith, values, families, and communities, by providing an intellectually stimulating environment that is rich in spiritual, character, and moral development;

Whereas Catholic schools are committed to community service, producing graduates who hold ''helping others'' as a core value;

Whereas the total student enrollment in Catholic schools in the United States for the 2015–2016 academic year is almost 2,000,000 and the student-to-teacher ratio is 13.1 to 1;

Whereas Catholic schools in the United States educate a diverse population of students, of which 20.4 percent belong to racial minorities, 15.3 percent are of Hispanic or Latino origin, and 16.9 percent are non-Catholics;

Whereas the Catholic high school graduation rate in the United States is 99 percent, with 85 percent of graduates attending a 4-year college;

Whereas in the 1972 pastoral message concerning Catholic education, the United States Conference of Catholic Bishops stated, ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.'';

Whereas the week of January 31, 2016, to February 6, 2016, has been designated as ''National Catholic Schools Week'' by the National Catholic Educational Association and the United States Conference of Catholic Bishops;

Whereas the National Catholic Schools Week was first established in 1974 and has been celebrated annually for the past 42 years; and

Whereas the theme for National Catholic Schools Week 2016 is ''Catholic Schools: Communities of Faith, Knowledge, and Service'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of National Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of the thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for ongoing contributions to education and for playing a vital role in promoting and ensuring a brighter, stronger future for the United States.

SENATE RESOLUTION 358—DESIGNATING FEBRUARY 1 THROUGH 5, 2016, AS ''NATIONAL SCHOOL COUNSELING WEEK''

Mrs. MURRAY (for herself, Ms. COLLINS, Mr. DURBIN, Mrs. FEINSTEIN, Ms. BALDWIN, Mr. FRANKEN, Ms. STABENOW, Mr. MURPHY, Mr. WYDEN, Ms. MIKULSKI, Mr. CASEY, Mr. CORNYN, Mr. DONNELLY, Mr. KING, Mr. SCHATZ, and Ms. AYOTTE) submitted the following resolution; which was considered and agreed to:

S. RES. 358

Whereas the American School Counselor Association has designated February 1 through 5, 2016, as ''National School Counseling Week'';

Whereas school counselors have long advocated for equal opportunities for all students;

Whereas school counselors help develop well-rounded students by guiding students through academic, personal, social, and career development;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors play a vital role in ensuring that students are ready for college and careers;

Whereas school counselors play a vital role in making students aware of opportunities for financial aid and college scholarships;

Whereas school counselors assist with and coordinate efforts to foster a positive school climate, resulting in a safer learning environment for all students;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with personal trauma as well as tragedies in their communities and the United States;

Whereas students face myriad challenges every day, including peer pressure, bullying, mental health issues, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas a school counselor is one of the few professionals in a school building who is trained in both education and social and emotional development;

Whereas the roles and responsibilities of school counselors are often misunderstood;

Whereas the school counselor position is often among the first to be eliminated to meet budgetary constraints;

Whereas the national average ratio of students to school counselors is 482 to 1, almost twice the 250 to 1 ratio recommended by the American School Counselor Association, the National Association for College Admission Counseling, and other organizations; and

Whereas the celebration of National School Counseling Week will increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 1 through 5, 2016, as ''National School Counseling Week''; and

(2) encourages the people of the United States to observe National School Counseling Week with appropriate ceremonies and activities that promote awareness of the role school counselors play in schools and the community at large in preparing students for fulfilling lives as contributing members of society.

SENATE RESOLUTION 359—CELEBRATING THE 10TH ANNIVERSARY OF THE UNIFICATION OF THE AIR AND MARINE ASSETS OF U.S. CUSTOMS AND BORDER PROTECTION TO ESTABLISH THE AIR AND MARINE OPERATIONS OF U.S. CUSTOMS AND BORDER PROTECTION

Ms. HEITKAMP (for herself, Mr. JOHNSON, Mr. CARPER, Mr. UDALL, Mr. CASSIDY, Mr. PETERS, Mr. LANKFORD, Mrs. MURRAY, Mrs. BOXER, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 359

Whereas the Air and Marine Operations of U. S. Customs and Border Protection (referred to in this preamble as ''AMO'') and the legacy agencies of AMO have a long history of working to safeguard the borders of the United States;

Whereas, 10 years before the date of adoption of this resolution, U. S. Customs and Border Protection (referred to in this preamble as ''CBP'') integrated the marine assets of CBP with the aircraft fleet of CBP to serve and protect the people of the United States through the core competencies of AMO, which include—

(1) interdiction;

(2) investigation;

(3) domain awareness; and

(4) contingency operations and national tasking missions;

Whereas AMO conducts the mission of AMO along the land borders and maritime approaches of the United States from more than 90 locations throughout the United States and Puerto Rico, with—

(1) 1,800 Federal agents and specialists;

(2) a fleet of more than 250 aircraft and more than 280 marine vessels; and

(3) an array of surveillance and domain awareness technologies; and

Whereas AMO has leveraged the capabilities of AMO by forging crucial partnerships with Federal, State, local, and tribal agencies, and the United States Armed Forces, for—

(1) law enforcement;

(2) disaster relief;

(3) humanitarian operations;

(4) joint operations; and

(5) National Special Security Events: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 10th anniversary of the unification of the air and marine assets of U.S. Customs and Border Protection to establish the Air and Marine Operations of U.S. Customs and Border Protection;

(2) recognizes the contribution of the Air and Marine Operations of U.S. Customs and Border Protection to—

(A) the border security mission of U. S. Customs and Border Protection; and

(B) the multilayered approach to homeland security by the Department of Homeland Security; and

(3) commends the agents and mission support staff of the Air and Marine Operations of U.S. Customs and Border Protection, who are dedicated to serving and protecting—

(A) the people of the United States; and

(B) the borders of the United States in air and maritime environments.

SENATE RESOLUTION 360—CONGRATULATING THE NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE ON THE CELEBRATION OF ITS 100TH ANNIVERSARY

Mr. ROBERTS (for himself, Ms. STABENOW, Mr. TILLIS, and Mr. SASSE) submitted the following resolution; which was considered and agreed to:

S. RES. 360

Whereas the National Association of State Departments of Agriculture (referred to in this preamble as ''NASDA'') was established in 1916 to provide a cohesive, science-based voice for State perspectives in discussions on national agriculture policy issues;

Whereas the first meeting of NASDA was held on May 4, 1916, in the hearing room of the Committee on Court of Claims of the Senate;

Whereas since 1916, NASDA has provided exemplary nonpartisan representation of the departments of agriculture in all 50 States and 4 United States territories in order to promote sound public policy and programs in support of United States agriculture;

Whereas NASDA has become a national leader in growing and enhancing agriculture through the forging of partnerships to achieve sound policy outcomes among State departments of agriculture, the Federal Government, and stakeholders;

Whereas NASDA has successfully amplified the voices of all State departments of agriculture by achieving consensus on a breadth of issues, including food safety, agriculture labor, international trade, and the environment; and

Whereas 1 century later, NASDA continues its deep commitment to promoting the interests of the farmers and ranchers of the United States, both domestically and worldwide: Now, therefore, be it

Resolved, That the Senate congratulates the National Association of State Departments of Agriculture on the celebration of the 100th anniversary of its founding.

SENATE RESOLUTION 361—URGING ROBUST FUNDING FOR HUMANITARIAN RELIEF FOR SYRIA

Mr. CORKER (for himself, Mr. CARDIN, Mr. PERDUE, Mrs. BOXER, Mr. MURPHY, Mr. MARKEY, Mrs. SHAHEEN, Mr. COONS, Mr. UDALL, Mr. KAINE, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 361

Whereas the conflict in Syria, which is in its fifth year, has taken the lives of over 250,000 Syrians and displaced millions more;

Whereas the humanitarian needs for Syria are overwhelming and require a sustained, tangible response from the entire international community to ensure that the short- and long-term needs of the Syrian people are addressed;

Whereas as the short- and long-term needs of the Syrian people increase, the availability of basic services for the almost 4,600,000 Syrians sheltering in Jordan, Lebanon, and other neighboring countries, which are already under severe strain, is diminishing;

Whereas addressing the humanitarian situation in Syria and in Syrian refugee-hosting countries is an essential component to providing stability to the region;

Whereas the Government of Kuwait, notably, hosted pledging conferences in 2013, 2014, and 2015 to raise funds for United Nations humanitarian appeals for Syria;

Whereas the pledges to previous United Nations humanitarian appeals for Syria have failed to meet the humanitarian needs of the Syrian crisis, as determined by the United Nations;

Whereas not all pledges are fully converted into donations, further adding to the difficulty in meeting the humanitarian needs of Syria;

Whereas on February 4, 2016, the Governments of the United Kingdom, Germany, Kuwait, and Norway will host a fourth Syria conference in London to raise funds and support for the United Nations humanitarian appeal for Syria;

Whereas the fourth Syria conference aims to significantly increase funding—

(1) to address the immediate and long-term needs of individuals affected by the Syrian conflict; and

(2) to maintain pressure on parties to the conflict to protect civilians affected by the conflict;

Whereas as of February 2016, the United States is the largest single humanitarian donor to the Syrian crisis and has given over $4,500,000,000 in humanitarian relief for Syria; and

Whereas the United Kingdom, Kuwait, Germany, and Norway are allies of the United States and have demonstrated commitment to addressing the humanitarian crisis in Syria: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Governments of the United Kingdom, Kuwait, Germany, and Norway for their efforts to address the humanitarian crisis in Syria, including the substantial financial commitments made by the Governments of the United Kingdom, Kuwait, Germany, and Norway;

(2) encourages the international community to act with urgency—

(A) to alleviate the humanitarian crisis in Syria and in Syrian refugee-hosting countries in the region; and

(B) to support the upcoming Syria conference in London by joining the United States and other countries with substantial pledges of assistance; and

(3) urges each donor country to fulfil the United Nations pledging commitments to Syria to address the short- and long-term humanitarian needs of the Syrian people.

Mr. CARDIN. Mr. President, Senator CORKER and I are submitting a resolution today that urges all nations to contribute in order to address the humanitarian crisis in Syria. On February 4, in London, the British, German, Kuwaiti, and Norwegian governments will join with the United Nations to host the ''Supporting Syria and the Region'' conference.

The numbers are well known, but bear repeating. The international community has a responsibility to help the 13.5 million vulnerable and displaced people inside Syria, and the 4.2 million Syrian refugees in neighbouring countries. We must step up our efforts.

Current pledges to the 2015 UN appeal have not even reached last year's levels—$3.3 billion against an appeal of $8.4 billion. Even this figure still masks the fact that not all pledges are met, building up needs for future years. The world must do more, and now is the time to act.

The United States is already the largest donor to Syria, giving more than $4.5 billion to date, and Congress

has been instrumental and bipartisan in its support of humanitarian relief for Syria. We must maintain this effort, as the need has never been greater. But we also need the entire international community to stand up on this issue. It cannot just be the responsibility of the usual generous donors to meet the needs of Syria.

The humanitarian crisis in Syria is a stain on the conscience of the world, and the whole world needs to be part of the solution. This is not just a moral question, although it ought to be. We need to bring peace to Syria, food to Syrians, and safety to Syria's children. Without these basic elements, we are allowing a breeding ground for disillusionment, extremism, and indeed terrorism to grow. So this is also about our shared national security interests. Every nation should therefore step up to the plate: all responsibility cannot and should not fall on Syria and its neighbours.

We urge all nations to participate in the conference in London on February 4, prepared to make significant donations that meet the UN appeal. We hope that senior-level representation and contributions by donor states will redefine the nature of this conference to prepare for long term humanitarian support to Syrians.

Five years into the Syrian conflict, it is easy for donor fatigue to set in. But this is nothing compared to what Syrian refugees are experiencing daily. Whether they have been displaced inside Syria, whether they are building lives in refugee camps in Turkey and Jordan, whether they are trying to integrate into a new city, or whether they are risking their lives in crossing open seas, refugees are facing daily challenges to their very existence. Our resolve to alleviate the hardships and suffering this conflict has caused must, at a minimum, equal theirs.

The February 4 conference in London is an opportunity for nations to meet this crisis with the resources and determination necessary to address the short and long term needs of the Syrian people. The bipartisan resolution Senator CORKER and I are putting forward encourages the international community to act with urgency to alleviate the humanitarian crisis in Syria and in Syrian refugee-hosting countries in the region. It encourages nations to not only fulfill their previous pledges, but to commit to doing more.

We must find ways to reduce the barriers preventing refugees from rebuilding their lives. Granting refugees the right to work and access basic services, and funding integration programs, are important goals in that respect.

Education is also key. We must ensure that all children and young people affected by the conflict have access to a safe and quality education by both strengthening national education systems and investing in alternative learning pathways. When parents can't find educational opportunities for their children, they move away or put their children into the workforce. Without education, we risk losing a generation of young people.

The United States, which has been the largest single humanitarian donor to date, will continue to lead in this effort, along with our partners. We will continue to lead because addressing the humanitarian crisis is part and parcel of achieving a political resolution to the conflict. It is integral to preserving regional stability and global stability.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3232. Mr. MARKEY (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table.

SA 3233. Mr. WARNER (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3234. Ms. MURKOWSKI (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3235. Mr. WICKER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3236. Mr. WYDEN (for himself, Mr. DURBIN, Mr. CASEY, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3237. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3238. Mr. WYDEN (for himself, Mr. BENNET, Ms. CANTWELL, Mr. SCHUMER, Ms. STABENOW, Mr. MENENDEZ, Mr. CARPER, Mr. CARDIN, Mrs. MURRAY, Mr. DURBIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mrs. SHAHEEN, Mr. COONS, and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3239. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3240. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3241. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3242. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3243. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3244. Mr. MARKEY (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3245. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3246. Mr. ENZI (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3247. Ms. STABENOW (for herself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3248. Ms. STABENOW (for herself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3249. Ms. STABENOW (for herself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3250. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3251. Mr. INHOFE (for himself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3252. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3253. Mr. ISAKSON (for himself and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3254. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3255. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3256. Mr. SCHATZ (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3257. Ms. CANTWELL (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3258. Mr. DAINES (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3259. Mr. DAINES (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3260. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3261. Mr. BOOZMAN (for himself, Mr. ALEXANDER, Mr. BLUNT, and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3262. Mr. DONNELLY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3263. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3264. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3265. Mr. VITTER (for himself, Mr. KAINE, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3266. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3267. Mr. KAINE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3268. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. CASSIDY (for himself, Ms. MURKOWSKI, Mr. KAINE, Mr. SCOTT, Mr. VITTER, Mr. TILLIS, and Mr. WARNER) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3269. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3270. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3271. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3044 submitted by Mr. MANCHIN and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3272. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3273. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3274. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3275. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3276. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3277. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3278. Mr. MCCONNELL (for Mr. RUBIO (for himself and Mr. CARDIN)) proposed an amendment to the bill H.R. 907, to improve defense cooperation between the United States and the Hashemite Kingdom of Jordan.

SA 3279. Ms. MURKOWSKI (for Mr. LEE (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3033, to require the President's annual budget request to Congress each year to include a line item for the Research in Disabilities Education program of the National Science Foundation and to require the National Science Foundation to conduct research on dyslexia.

TEXT OF AMENDMENTS

SA 3232. Mr. MARKEY (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002–2007 PLANNING AREAS OF GULF OF MEXICO.

Section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note) is amended to read as follows:

"SEC. 105. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002–2007 PLANNING AREAS OF GULF OF MEXICO.

''Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(1) 87.5 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

''(2) 12.5 percent of qualified outer Continental Shelf revenues in a special account in the Land and Water Conservation Fund established under section 200302 of title 54, United States Code, from which the Secretary shall disburse, without further appropriation, 100 percent to provide financial assistance to States in accordance with section 200305 of that title, which shall be considered income to the Land and Water Conservation Fund for purposes of section 200302 of that title.''.

SA 3233. Mr. WARNER (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. INTERAGENCY TRANSFER OF LAND ALONG GEORGE WASHINGTON MEMORIAL PARKWAY.

(a) DEFINITION.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) RESEARCH CENTER.—The term ''Research Center'' means the Federal Highway Administration's Turner-Fairbank Highway Research Center.

(3) MAP.—The term ''Map'' means the map titled ''George Washington Memorial Parkway—Claude Moore Farm Proposed Boundary Adjustment'', numbered 850__130815, and dated December 2015.

(b) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) TRANSFER OF JURISDICTION.—The Secretary and the Secretary of Transportation, as appropriate, are authorized to exchange administrative jurisdiction of—

(A) approximately 0.342 acres of Federal land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway, generally depicted as ''B'' on the Map; and

(B) the approximately 0.479 acres of Federal land within the boundary of the Research Center land under the jurisdiction of the Department of Transportation adjacent to the boundary of the George Washington Memorial Parkway, generally depicted as ''A'' on the Map.

(2) USE RESTRICTION.—The Secretary shall restrict the use of 0.139 acres of Federal land within the boundary of the George Washington Memorial Parkway immediately adjacent to part of the north perimeter fence of the Research Center, generally depicted as ''C'' on the Map, by prohibiting the storage, construction, or installation of any item that may interfere with the Research Center's access to the land for security and maintenance purposes.

(3) REIMBURSEMENT OR CONSIDERATION.—The transfers of administrative jurisdiction under this section shall occur without reimbursement or consideration.

(4) COMPLIANCE WITH AGREEMENT.—

(A) AGREEMENT.—The National Park Service and the Federal Highway Administration shall comply with all terms and conditions of the Agreement entered into by the parties on September 11, 2002, regarding the transfer of administrative jurisdiction, management, and maintenance of the lands discussed in that Agreement.

(B) ACCESS TO RESTRICTED LAND.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall allow the Research Center to access the land described in paragraph (1)(B) for purposes of transportation to and from the Research Center and maintenance in accordance with National Park Service standards, including grass mowing, weed control, tree maintenance, fence maintenance, and maintenance of the visual appearance of the land.

(ii) PRUNING AND REMOVAL OF TRESS.—No tree on the land described in paragraph (1)(B) that is 6 inches or more in diameter shall be pruned or removed without the advance written permission of the Secretary.

(iii) PESTICIDES.—The use of pesticides on the land described in paragraph (1)(B) shall be approved in writing by the Secretary prior to application of the pesticides.

(c) MANAGEMENT OF TRANSFERRED LANDS.—

(1) INTERIOR LAND.—The Federal land transferred to the Secretary under this section shall be included in the boundaries of the George Washington Memorial Parkway and shall be administered by the National Park Service as part of the parkway subject to applicable laws and regulations.

(2) TRANSPORTATION LAND.—The Federal land transferred to the Secretary of Transportation under this section shall be included in the boundary of the Research Center and shall be removed from the boundary of parkway.

(3) RESTRICTED-USE LAND.—The Federal land the Secretary has designated for restricted use under subsection (b)(2) shall be maintained by the Research Center.

(d) MAP ON FILE.—The Map shall be available for public inspection in the appropriate offices of the National Park Service, Department of Interior.

SA 3234. Ms. MURKOWSKI (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At end, add the following:

TITLE VI—NATURAL RESOURCES

Subtitle A—Land Conveyances and Related Matters

SEC. 6001. ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Arapaho National Forest in the State of Colorado is adjusted to incorporate the approximately 92.95 acres of land generally depicted as ''The Wedge'' on the map entitled ''Arapaho National Forest Boundary Adjustment'' and dated November 6, 2013, and described as lots three, four, eight, and nine of section 13, Township 4 North, Range 76 West, Sixth Principal Meridian, Colorado. A lot described in this subsection may be included in the boundary adjustment only after the Secretary of Agriculture obtains written permission for such action from the lot owner or owners.

(b) BOWEN GULCH PROTECTION AREA.—The Secretary of Agriculture shall include all Federal land within the boundary described in subsection (a) in the Bowen Gulch Protection Area established under section 6 of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j).

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 200306(a)(2)(B)(i) of title 54, United States Code, the boundaries of the Arapaho National Forest, as modified under subsection (a), shall be considered to be the boundaries of the Arapaho National Forest as in existence on January 1, 1965.

(d) PUBLIC MOTORIZED USE.—Nothing in this section opens privately owned lands within the boundary described in subsection (a) to public motorized use.

(e) ACCESS TO NON-FEDERAL LANDS.—Notwithstanding the provisions of section 6(f) of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j(f)) regarding motorized travel, the owners of any non-Federal lands within the boundary described in subsection (a) who historically have accessed their lands through lands now or hereafter owned by the United States within the boundary described in subsection (a) shall have the continued right of motorized access to their lands across the existing roadway.

SEC. 6002. LAND CONVEYANCE, ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST, COLORADO.

(a) LAND CONVEYANCE REQUIRED.—Consistent with the purpose of the Act of March 3, 1909 (43 U.S.C. 772), all right, title, and interest of the United States (subject to subsection (b)) in and to a parcel of land consisting of approximately 148 acres as generally depicted on the map entitled ''Elkhorn Ranch Land Parcel–White River National Forest'' and dated March 2015 shall be conveyed by patent to the Gordman-Leverich Partnership, a Colorado Limited Liability Partnership (in this section referred to as ''GLP'').

(b) EXISTING RIGHTS.—The conveyance under subsection (a)—

(1) is subject to the valid existing rights of the lessee of Federal oil and gas lease COC–75070 and any other valid existing rights; and

(2) shall reserve to the United States the right to collect rent and royalty payments on the lease referred to in paragraph (1) for the duration of the lease.

(c) EXISTING BOUNDARIES.—The conveyance under subsection (a) does not modify the exterior boundary of the White River National Forest or the boundaries of Sections 18 and 19 of Township 7 South, Range 93 West, Sixth Principal Meridian, Colorado, as such boundaries are in effect on the date of the enactment of this Act.

(d) TIME FOR CONVEYANCE; PAYMENT OF COSTS.—The conveyance directed under subsection (a) shall be completed not later than 180 days after the date of the enactment of this Act. The conveyance shall be without consideration, except that all costs incurred by the Secretary of the Interior relating to any survey, platting, legal description, or other activities carried out to prepare and issue the patent shall be paid by GLP to the Secretary prior to the land conveyance.

SEC. 6003. LAND EXCHANGE IN CRAGS, COLORADO.

(a) PURPOSES.—The purposes of this section are—

(1) to authorize, direct, expedite, and facilitate the land exchange set forth herein; and

(2) to promote enhanced public outdoor recreational and natural resource conservation opportunities in the Pike National Forest near Pikes Peak, Colorado, via acquisition of the non-Federal land and trail easement.

(b) DEFINITIONS.—In this section:

(1) BHI.—The term ''BHI'' means Broadmoor Hotel, Inc., a Colorado corporation.

(2) FEDERAL LAND.—The term ''Federal land'' means all right, title, and interest of the United States in and to approximately 83 acres of land within the Pike National Forest, El Paso County, Colorado, together with a non-exclusive perpetual access easement to BHI to and from such land on Forest Service Road 371, as generally depicted on the map entitled ''Proposed Crags Land Exchange–Federal Parcel–Emerald Valley Ranch'', dated March 2015.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land and trail easement to be conveyed to the Secretary by BHI in the exchange and is—

(A) approximately 320 acres of land within the Pike National Forest, Teller County, Colorado, as generally depicted on the map entitled ''Proposed Crags Land Exchange–Non-Federal Parcel–Crags Property'', dated March 2015; and

(B) a permanent trail easement for the Barr Trail in El Paso County, Colorado, as generally depicted on the map entitled ''Proposed Crags Land Exchange–Barr Trail Easement to United States'', dated March 2015, and which shall be considered as a voluntary donation to the United States by BHI for all purposes of law.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, unless otherwise specified.

(c) LAND EXCHANGE.—

(1) IN GENERAL.—If BHI offers to convey to the Secretary all right, title, and interest of BHI in and to the non-Federal land, the Secretary shall accept the offer and simultaneously convey to BHI the Federal land.

(2) LAND TITLE.—Title to the non-Federal land conveyed and donated to the Secretary under this section shall be acceptable to the Secretary and shall conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(3) PERPETUAL ACCESS EASEMENT TO BHI.—The nonexclusive perpetual access easement to be granted to BHI as shown on the map referred to in subsection (b)(2) shall allow—

(A) BHI to fully maintain, at BHI's expense, and use Forest Service Road 371 from its junction with Forest Service Road 368 in accordance with historic use and maintenance patterns by BHI; and

(B) full and continued public and administrative access and use of FSR 371 in accordance with the existing Forest Service travel management plan, or as such plan may be revised by the Secretary.

(4) ROUTE AND CONDITION OF ROAD.—BHI and the Secretary may mutually agree to improve, relocate, reconstruct, or otherwise alter the route and condition of all or portions of such road as the Secretary, in close consultation with BHI, may determine advisable.

(5) EXCHANGE COSTS.—BHI shall pay for all land survey, appraisal, and other costs to the Secretary as may be necessary to process and consummate the exchange directed by this section, including reimbursement to the Secretary, if the Secretary so requests, for staff time spent in such processing and consummation.

(d) EQUAL VALUE EXCHANGE AND APPRAISALS.—

(1) APPRAISALS.—The values of the lands to be exchanged under this section shall be determined by the Secretary through appraisals performed in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the Uniform Standards of Professional Appraisal Practice;

(C) appraisal instructions issued by the Secretary; and

(D) shall be performed by an appraiser mutually agreed to by the Secretary and BHI.

(2) EQUAL VALUE EXCHANGE.—The values of the Federal and non-Federal land parcels exchanged shall be equal, or if they are not equal, shall be equalized as follows:

(A) SURPLUS OF FEDERAL LAND VALUE.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land parcel identified in subsection (b)(3)(A), BHI shall make a cash equalization payment to the United States as necessary to achieve equal value, including, if necessary, an amount in excess of that authorized pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(B) USE OF FUNDS.—Any cash equalization moneys received by the Secretary under subparagraph (A) shall be—

(i) deposited in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act''; 16 U.S.C. 484a); and

(ii) made available to the Secretary for the acquisition of land or interests in land in Region 2 of the Forest Service.

(C) SURPLUS OF NON-FEDERAL LAND VALUE.—If the final appraised value of the non-Federal land parcel identified in subsection (b)(3)(A) exceeds the final appraised value of the Federal land, the United States shall not make a cash equalization payment to BHI, and surplus value of the non-Federal land shall be considered a donation by BHI to the United States for all purposes of law.

(3) APPRAISAL EXCLUSIONS.—

(A) SPECIAL USE PERMIT.—The appraised value of the Federal land parcel shall not reflect any increase or diminution in value due to the special use permit existing on the date of the enactment of this Act to BHI on the parcel and improvements thereunder.

(B) BARR TRAIL EASEMENT.—The Barr Trail easement donation identified in subsection (b)(3)(B) shall not be appraised for purposes of this section.

(e) MISCELLANEOUS PROVISIONS.—

(1) WITHDRAWAL PROVISIONS.—

(A) WITHDRAWAL.—Lands acquired by the Secretary under this section shall, without further action by the Secretary, be permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1930 (30 U.S.C. 1001 et seq.).

(B) WITHDRAWAL REVOCATION.—Any public land order that withdraws the Federal land from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of the Federal land parcel to BHI.

(C) WITHDRAWAL OF FEDERAL LAND.—All Federal land authorized to be exchanged under this section, if not already withdrawn or segregated from appropriation or disposal under the public lands laws upon enactment of this Act, is hereby so withdrawn, subject to valid existing rights, until the date of conveyance of the Federal land to BHI.

(2) POSTEXCHANGE LAND MANAGEMENT.—Land acquired by the Secretary under this section shall become part of the Pike-San Isabel National Forest and be managed in accordance with the laws, rules, and regulations applicable to the National Forest System.

(3) EXCHANGE TIMETABLE.—It is the intent of Congress that the land exchange directed by this section be consummated no later than 1 year after the date of the enactment of this Act.

(4) MAPS, ESTIMATES, AND DESCRIPTIONS.—

(A) MINOR ERRORS.—The Secretary and BHI may by mutual agreement make minor boundary adjustments to the Federal and non-Federal lands involved in the exchange, and may correct any minor errors in any map, acreage estimate, or description of any land to be exchanged.

(B) CONFLICT.—If there is a conflict between a map, an acreage estimate, or a description of land under this section, the map shall control unless the Secretary and BHI mutually agree otherwise.

(C) AVAILABILITY.—Upon enactment of this Act, the Secretary shall file and make available for public inspection in the headquarters of the Pike-San Isabel National Forest a copy of all maps referred to in this section.

SEC. 6004. CERRO DEL YUTA AND RÍO SAN ANTONIO WILDERNESS AREAS.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Río Grande del Norte National Monument Proposed Wilderness Areas'' and dated July 28, 2015.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) WILDERNESS AREA.—The term ''wilderness area'' means a wilderness area designated by subsection (b)(1).

(b) DESIGNATION OF CERRO DEL YUTA AND RÍO SAN ANTONIO WILDERNESS AREAS.—

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the Río Grande del Norte National Monument are designated as wilderness and as components of the National Wilderness Preservation System:

(A) CERRO DEL YUTA WILDERNESS.—Certain land administered by the Bureau of Land Management in Taos County, New Mexico, comprising approximately 13,420 acres as generally depicted on the map, which shall be known as the ''Cerro del Yuta Wilderness''.

(B) RÍO SAN ANTONIO WILDERNESS.—Certain land administered by the Bureau of Land Management in Río Arriba County, New Mexico, comprising approximately 8,120 acres, as generally depicted on the map, which shall be known as the ''Río San Antonio Wilderness''.

(2) MANAGEMENT OF WILDERNESS AREAS.—Subject to valid existing rights, the wilderness areas shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this section, except that with respect to the wilderness areas designated by this subsection—

(A) any reference to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundary of the wilderness areas that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with—

(i) the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) this section; and

(iii) any other applicable laws.

(4) GRAZING.—Grazing of livestock in the wilderness areas, where established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(5) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around the wilderness areas.

(B) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity or use on land outside a wilderness area can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(6) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land within the San Antonio Wilderness Study Area not designated as wilderness by this subsection—

(A) has been adequately studied for wilderness designation;

(B) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(C) shall be managed in accordance with this section.

(7) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and legal descriptions of the wilderness areas with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The map and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the legal description and map.

(C) PUBLIC AVAILABILITY.—The map and legal descriptions filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(8) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The wilderness areas shall be administered as components of the National Landscape Conservation System.

(9) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction of the State of New Mexico with respect to fish and wildlife located on public land in the State.

(10) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the wilderness areas designated by paragraph (1), including any land or interest in land that is acquired by the United States after the date of enactment of this Act, is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(11) TREATY RIGHTS.—Nothing in this section enlarges, diminishes, or otherwise modifies any treaty rights.

SEC. 6005. CLARIFICATION RELATING TO A CERTAIN LAND DESCRIPTION UNDER THE NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP ACT OF 2005.

Section 104(a)(5) of the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 (Public Law 109–110; 119 Stat. 2356) is amended by inserting before the period at the end '', which, notwithstanding section 102(a)(4)(B), includes the N½, NE¼, SW¼, SW¼, the N½, N½, SE¼, SW¼, and the N½, N½, SW¼, SE¼, sec. 34, T. 22 N., R. 2 E., Gila and Salt River Meridian, Coconino County, comprising approximately 25 acres''.

SEC. 6006. COOPER SPUR LAND EXCHANGE CLARIFICATION AMENDMENTS.

Section 1206(a) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1018) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''120 acres'' and inserting ''107 acres''; and

(B) in subparagraph (E)(ii), by inserting ''improvements,'' after ''buildings,''; and

(2) in paragraph (2)—

(A) in subparagraph (D)—

(i) in clause (i), by striking ''As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select'' and inserting ''Not later than 120 days after the date of the enactment of the Energy Policy Modernization Act of 2016, the Secretary and Mt. Hood Meadows shall jointly select'';

(ii) in clause (ii), in the matter preceding subclause (I), by striking ''An appraisal under clause (i) shall'' and inserting ''Except as provided under clause (iii), an appraisal under clause (i) shall assign a separate value to each tax lot to allow for the equalization of values and''; and

(iii) by adding at the end the following:

''(iii) FINAL APPRAISED VALUE.—

''(I) IN GENERAL.—Subject to subclause (II), after the final appraised value of the Federal land and the non-Federal land are determined and approved by the Secretary, the Secretary shall not be required to reappraise or update the final appraised value for a period of up to 3 years, beginning on the date of the approval by the Secretary of the final appraised value.

''(II) EXCEPTION.—Subclause (I) shall not apply if the condition of either the Federal land or the non-Federal land referred to in subclause (I) is significantly and substantially altered by fire, windstorm, or other events.

''(iv) PUBLIC REVIEW.—Before completing the land exchange under this Act, the Secretary shall make available for public review the complete appraisals of the land to be exchanged.''; and

(B) by striking subparagraph (G) and inserting the following:

''(G) REQUIRED CONVEYANCE CONDITIONS.—Prior to the exchange of the Federal and non-Federal land—

''(i) the Secretary and Mt. Hood Meadows may mutually agree for the Secretary to reserve a conservation easement to protect the

identified wetland in accordance with applicable law, subject to the requirements that—

''(I) the conservation easement shall be consistent with the terms of the September 30, 2015, mediation between the Secretary and Mt. Hood Meadows; and

''(II) in order to take effect, the conservation easement shall be finalized not later than 120 days after the date of enactment of the Energy Policy Modernization Act of 2016; and

''(ii) the Secretary shall reserve a 24-foot-wide nonexclusive trail easement at the existing trail locations on the Federal land that retains for the United States existing rights to construct, reconstruct, maintain, and permit nonmotorized use by the public of existing trails subject to the right of the owner of the Federal land—

''(I) to cross the trails with roads, utilities, and infrastructure facilities; and

''(II) to improve or relocate the trails to accommodate development of the Federal land.

''(H) EQUALIZATION OF VALUES.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), in addition to or in lieu of monetary compensation, a lesser area of Federal land or non-Federal land may be conveyed if necessary to equalize appraised values of the exchange properties, without limitation, consistent with the requirements of this Act and subject to the approval of the Secretary and Mt. Hood Meadows.

''(ii) TREATMENT OF CERTAIN COMPENSATION OR CONVEYANCES AS DONATION.—If, after payment of compensation or adjustment of land area subject to exchange under this Act, the amount by which the appraised value of the land and other property conveyed by Mt. Hood Meadows under subparagraph (A) exceeds the appraised value of the land conveyed by the Secretary under subparagraph (A) shall be considered a donation by Mt. Hood Meadows to the United States.''.

SEC. 6007. EXPEDITED ACCESS TO CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE.—The term ''eligible'', with respect to an organization or individual, means that the organization or individual, respectively, is—

(A) acting in a not-for-profit capacity; and

(B) composed entirely of members who, at the time of the good Samaritan search-and-recovery mission, have attained the age of majority under the law of the State where the mission takes place.

(2) GOOD SAMARITAN SEARCH-AND-RECOVERY MISSION.—The term ''good Samaritan search-and-recovery mission'' means a search conducted by an eligible organization or individual for 1 or more missing individuals believed to be deceased at the time that the search is initiated.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the Secretary of Agriculture, as applicable.

(b) PROCESS.—

(1) IN GENERAL.—Each Secretary shall develop and implement a process to expedite access to Federal land under the administrative jurisdiction of the Secretary for eligible organizations and individuals to request access to Federal land to conduct good Samaritan search-and-recovery missions.

(2) INCLUSIONS.—The process developed and implemented under this subsection shall include provisions to clarify that—

(A) an eligible organization or individual granted access under this section—

(i) shall be acting for private purposes; and

(ii) shall not be considered to be a Federal volunteer;

(B) an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section shall not be considered to be a volunteer under section 102301(c) of title 54, United States Code;

(C) chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), shall not apply to an eligible organization or individual carrying out a privately requested good Samaritan search-and-recovery mission under this section; and

(D) chapter 81 of title 5, United States Code (commonly known as the ''Federal Employees Compensation Act''), shall not apply to an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section, and the conduct of the good Samaritan search-and-recovery mission shall not constitute civilian employment.

(c) RELEASE OF FEDERAL GOVERNMENT FROM LIABILITY.—The Secretary shall not require an eligible organization or individual to have liability insurance as a condition of accessing Federal land under this section, if the eligible organization or individual—

(1) acknowledges and consents, in writing, to the provisions described in subparagraphs (A) through (D) of subsection (b)(2); and

(2) signs a waiver releasing the Federal Government from all liability relating to the access granted under this section and agrees to indemnify and hold harmless the United States from any claims or lawsuits arising from any conduct by the eligible organization or individual on Federal land.

(d) APPROVAL AND DENIAL OF REQUESTS.—

(1) IN GENERAL.—The Secretary shall notify an eligible organization or individual of the approval or denial of a request by the eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section by not later than 48 hours after the request is made.

(2) DENIALS.—If the Secretary denies a request from an eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section, the Secretary shall notify the eligible organization or individual of—

(A) the reason for the denial of the request; and

(B) any actions that the eligible organization or individual can take to meet the requirements for the request to be approved.

(e) PARTNERSHIPS.—Each Secretary shall develop search-and-recovery-focused partnerships with search-and-recovery organizations—

(1) to coordinate good Samaritan search-and-recovery missions on Federal land under the administrative jurisdiction of the Secretary; and

(2) to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of the Secretary.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall submit to Congress a joint report describing—

(1) plans to develop partnerships described in subsection (e)(1); and

(2) efforts carried out to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of each Secretary pursuant to subsection (e)(2).

SEC. 6008. BLACK HILLS NATIONAL CEMETERY BOUNDARY MODIFICATION.

(a) DEFINITIONS.—In this section:

(1) CEMETERY.—The term ''Cemetery'' means the Black Hills National Cemetery in Sturgis, South Dakota.

(2) FEDERAL LAND.—The term ''Federal land'' means the approximately 200 acres of Bureau of Land Management land adjacent to the Cemetery, generally depicted as ''Proposed National Cemetery Expansion'' on the map entitled ''Proposed Expansion of Black Hills National Cemetery-South Dakota'' and dated September 28, 2015.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) TRANSFER AND WITHDRAWAL OF BUREAU OF LAND MANAGEMENT LAND FOR CEMETERY USE.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(A) IN GENERAL.—Subject to valid existing rights, administrative jurisdiction over the Federal land is transferred from the Secretary to the Secretary of Veterans Affairs for use as a national cemetery in accordance with chapter 24 of title 38, United States Code.

(B) LEGAL DESCRIPTIONS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice containing a legal description of the Federal land.

(ii) EFFECT.—A legal description published under clause (i) shall have the same force and effect as if included in this section, except that the Secretary may correct any clerical and typographical errors in the legal description.

(iii) AVAILABILITY.—Copies of the legal description published under clause (i) shall be available for public inspection in the appropriate offices of—

(I) the Bureau of Land Management; and

(II) the National Cemetery Administration.

(iv) COSTS.—The Secretary of Veterans Affairs shall reimburse the Secretary for the costs incurred by the Secretary in carrying out this subparagraph, including the costs of any surveys and other reasonable costs.

(2) WITHDRAWAL.—Subject to valid existing rights, for any period during which the Federal land is under the administrative jurisdiction of the Secretary of Veterans Affairs, the Federal land—

(A) is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws; and

(B) shall be treated as property as defined under section 102(9) of title 40, United States Code.

(3) BOUNDARY MODIFICATION.—The boundary of the Cemetery is modified to include the Federal land.

(4) MODIFICATION OF PUBLIC LAND ORDER.—Public Land Order 2112, dated June 6, 1960 (25 Fed. Reg. 5243), is modified to exclude the Federal land.

(c) SUBSEQUENT TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) NOTICE.—On a determination by the Secretary of Veterans Affairs that all or a portion of the Federal land is not being used for purposes of the Cemetery, the Secretary of Veterans Affairs shall notify the Secretary of the determination.

(2) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Subject to paragraphs (3) and (4), the Secretary of Veterans Affairs shall transfer to the Secretary administrative jurisdiction over the Federal land subject to a notice under paragraph (1).

(3) DECONTAMINATON.—The Secretary of Veterans Affairs shall be responsible for the costs of any decontamination of the Federal land subject to a notice under paragraph (1) that the Secretary determines to be necessary for the Federal land to be restored to public land status.

(4) RESTORATION TO PUBLIC LAND STATUS.—The Federal land subject to a notice under paragraph (1) shall only be restored to public land status on—

(A) acceptance by the Secretary of the Federal land subject to the notice; and

(B) a determination by the Secretary that the Federal land subject to the notice is suitable for—

(i) restoration to public land status; and

(ii) the operation of 1 or more of the public land laws with respect to the Federal land.

(5) ORDER.—If the Secretary accepts the Federal land under paragraph (4)(A) and makes a determination of suitability under paragraph (4)(B), the Secretary may—

(A) open the accepted Federal land to operation of 1 or more of the public land laws; and

(B) issue an order to carry out the opening authorized under subparagraph (A).

Subtitle B—National Park Management, Studies, and Related Matters

SEC. 6101. REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.

(a) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(b) FUNDING.—Funds of the National Park Service that are appropriated after the date of enactment of this Act shall be used to carry out this section.

SEC. 6102. LOWER FARMINGTON AND SALMON BROOK RECREATIONAL RIVERS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

''(213) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—Segments of the main stem and its tributary, Salmon Brook, totaling approximately 62 miles, to be administered by the Secretary of the Interior as follows:

''(A) The approximately 27.2-mile segment of the Farmington River beginning 0.2 miles below the tailrace of the Lower Collinsville Dam and extending to the site of the Spoonville Dam in Bloomfield and East Granby as a recreational river.

''(B) The approximately 8.1-mile segment of the Farmington River extending from 0.5 miles below the Rainbow Dam to the confluence with the Connecticut River in Windsor as a recreational river.

''(C) The approximately 2.4-mile segment of the main stem of Salmon Brook extending from the confluence of the East and West Branches to the confluence with the Farmington River as a recreational river.

''(D) The approximately 12.6-mile segment of the West Branch of Salmon Brook extending from its headwaters in Hartland, Connecticut to its confluence with the East Branch of Salmon Brook as a recreational river.

''(E) The approximately 11.4-mile segment of the East Branch of Salmon Brook extending from the Massachusetts-Connecticut State line to the confluence with the West Branch of Salmon Brook as a recreational river.''.

(b) MANAGEMENT.—

(1) IN GENERAL.—The river segments designated by subsection (a) shall be managed in accordance with the management plan and such amendments to the management plan as the Secretary determines are consistent with this section. The management plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COMMITTEE.—The Secretary shall coordinate the management responsibilities of the Secretary under this section with the Lower Farmington River and Salmon Brook Wild and Scenic Committee, as specified in the management plan.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—In order to provide for the long-term protection, preservation, and enhancement of the river segment designated by subsection (a), the Secretary is authorized to enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act with—

(i) the State of Connecticut;

(ii) the towns of Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut; and

(iii) appropriate local planning and environmental organizations.

(B) CONSISTENCY.—All cooperative agreements provided for under this section shall be consistent with the management plan and may include provisions for financial or other assistance from the United States.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—For the purposes of the segments designated in subsection (a), the zoning ordinances adopted by the towns in Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut, including provisions for conservation of floodplains, wetlands and watercourses associated with the segments, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) ACQUISITION OF LAND.—The provisions of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) that prohibit Federal acquisition of lands by condemnation shall apply to the segments designated in subsection (a). The authority of the Secretary to acquire lands for the purposes of the segments designated in subsection (a) shall be limited to acquisition by donation or acquisition with the consent of the owner of the lands, and shall be subject to the additional criteria set forth in the management plan.

(5) RAINBOW DAM.—The designation made by subsection (a) shall not be construed to—

(A) prohibit, pre-empt, or abridge the potential future licensing of the Rainbow Dam and Reservoir (including any and all aspects of its facilities, operations and transmission lines) by the Federal Energy Regulatory Commission as a federally licensed hydroelectric generation project under the Federal Power Act, provided that the Commission may, in the discretion of the Commission and consistent with this section, establish such reasonable terms and conditions in a hydropower license for Rainbow Dam as are necessary to reduce impacts identified by the Secretary as invading or unreasonably diminishing the scenic, recreational, and fish and wildlife values of the segments designated by subsection (a); or

(B) affect the operation of, or impose any flow or release requirements on, the unlicensed hydroelectric facility at Rainbow Dam and Reservoir.

(6) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Lower Farmington River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(c) FARMINGTON RIVER, CONNECTICUT, DESIGNATION REVISION.—Section 3(a)(156) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended in the first sentence—

(1) by striking ''14-mile'' and inserting ''15.1-mile''; and

(2) by striking ''to the downstream end of the New Hartford-Canton, Connecticut town line'' and inserting ''to the confluence with the Nepaug River''.

(d) DEFINITIONS.—For the purposes of this section:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the management plan prepared by the Salmon Brook Wild and Scenic Study Committee entitled the ''Lower Farmington River and Salmon Brook Management Plan'' and dated June 2011.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 6103. SPECIAL RESOURCE STUDY OF PRESIDENT STREET STATION.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''study area'' means the President Street Station, a railroad terminal in Baltimore, Maryland, the history of which is tied to the growth of the railroad industry in the 19th century, the Civil War, the Underground Railroad, and the immigrant influx of the early 20th century.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 6104. SPECIAL RESOURCE STUDY OF THURGOOD MARSHALL'S ELEMENTARY SCHOOL.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''study area'' means—

(A) P.S. 103, the public school located in West Baltimore, Maryland, which Thurgood Marshall attended as a youth; and

(B) any other resources in the neighborhood surrounding P.S. 103 that relate to the early life of Thurgood Marshall.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 6105. SPECIAL RESOURCE STUDY OF JAMES K. POLK PRESIDENTIAL HOME.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the site of the James K. Polk Home in Columbia, Tennessee, and adjacent property (referred to in this section as the ''site'').

(b) CRITERIA.—The Secretary shall conduct the study under subsection (a) in accordance with section 100507 of title 54, United States Code.

(c) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the site;

(2) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(3) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site;

(4) consult with interested Federal, State, or local governmental entities, private and nonprofit organizations, or other interested individuals; and

(5) identify alternatives for the management, administration, and protection of the site.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 6106. NORTH COUNTRY NATIONAL SCENIC TRAIL ROUTE ADJUSTMENT.

(a) ROUTE ADJUSTMENT.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended in the first sentence—

(1) by striking ''thirty two hundred miles, extending from eastern New York State'' and inserting ''4,600 miles, extending from the Appalachian Trail in Vermont''; and

(2) by striking ''Proposed North Country Trail'' and all that follows through ''June 1975.'' and inserting '''North Country National Scenic Trail, Authorized Route' dated February 2014, and numbered 649/116870.''.

(b) NO CONDEMNATION.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: ''No land or interest in land outside of the exterior boundary of any Federally administered area may be acquired by the Federal Government for the trail by condemnation.''.

SEC. 6107. DESIGNATION OF JAY S. HAMMOND WILDERNESS AREA.

(a) DESIGNATION.—The approximately 2,600,000 acres of National Wilderness Preservation System land located within the Lake Clark National Park and Preserve designated by section 201(e)(7)(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh(e)(7)(a)) shall be known and designated as the ''Jay S. Hammond Wilderness Area''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness area referred to in subsection (a) shall be deemed to be a reference to the ''Jay S. Hammond Wilderness Area''.

SEC. 6108. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 304101(a) of title 54, United States Code, is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (12), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) The General Chairman of the National Association of Tribal Historic Preservation Officers.''.

SEC. 6109. ESTABLISHMENT OF A VISITOR SERVICES FACILITY ON THE ARLINGTON RIDGE TRACT.

(a) DEFINITION OF ARLINGTON RIDGE TRACT.—In this section, the term ''Arlington Ridge tract'' means the parcel of Federal land located in Arlington County, Virginia, known as the ''Nevius Tract'' and transferred to the Department of the Interior in 1953, that is bounded generally by—

(1) Arlington Boulevard (United States Route 50) to the north;

(2) Jefferson Davis Highway (Virginia Route 110) to the east;

(3) Marshall Drive to the south; and

(4) North Meade Street to the west.

(b) ESTABLISHMENT OF VISITOR SERVICES FACILITY.—Notwithstanding section 2863(g) of the Military Construction Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1332), the Secretary of the Interior may construct a structure for visitor services to include a public restroom facility on the Arlington Ridge tract in the area of the United States Marine Corps War Memorial.

Subtitle C—Sportsmen's Access and Land Management Issues

PART I—NATIONAL POLICY

SEC. 6201. CONGRESSIONAL DECLARATION OF NATIONAL POLICY.

(a) IN GENERAL.—Congress declares that it is the policy of the United States that Federal departments and agencies, in accordance with the missions of the departments and agencies, Executive Orders 12962 and 13443 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537 (August 16, 2007)), and applicable law, shall—

(1) facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land, in consultation with the Wildlife and Hunting Heritage Conservation Council, the Sport Fishing and Boating Partnership Council, State and tribal fish and wildlife agencies, and the public;

(2) conserve and enhance aquatic systems and the management of game species and the habitat of those species on Federal land, including through hunting and fishing, in a manner that respects—

(A) State management authority over wildlife resources; and

(B) private property rights; and

(3) consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.

(b) EXCLUSION.—In this subtitle, the term ''fishing'' does not include commercial fishing in which fish are harvested, either in whole or in part, that are intended to enter commerce through sale.

PART II—SPORTSMEN'S ACCESS TO FEDERAL LAND

SEC. 6211. DEFINITIONS.

In this part:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) any land in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) that is administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to land described in paragraph (1)(A); and

(B) the Secretary of the Interior, with respect to land described in paragraph (1)(B).

SEC. 6212. FEDERAL LAND OPEN TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) IN GENERAL.—Subject to subsection (b), Federal land shall be open to hunting, fishing, and recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with section 6213.

(b) EFFECT OF PART.—Nothing in this part opens to hunting, fishing, or recreational shooting any land that is not open to those activities as of the date of enactment of this Act.

SEC. 6213. CLOSURE OF FEDERAL LAND TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraph (2) and in accordance with section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)), the Secretary concerned may designate any area on Federal land in which, and establish any period during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or recreational shooting shall be permitted.

(2) REQUIREMENT.—In making a designation under paragraph (1), the Secretary concerned shall designate the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.

(b) CLOSURE PROCEDURES.—

(1) IN GENERAL.—Except in an emergency, before permanently or temporarily closing any Federal land to hunting, fishing, or recreational shooting, the Secretary concerned shall—

(A) consult with State fish and wildlife agencies; and

(B) provide public notice and opportunity for comment under paragraph (2).

(2) PUBLIC NOTICE AND COMMENT.—

(A) IN GENERAL.—Public notice and comment shall include—

(i) a notice of intent—

(I) published in advance of the public comment period for the closure—

(aa) in the Federal Register;

(bb) on the website of the applicable Federal agency;

(cc) on the website of the Federal land unit, if available; and

(dd) in at least 1 local newspaper;

(II) made available in advance of the public comment period to local offices, chapters,

and affiliate organizations in the vicinity of the closure that are signatories to the memorandum of understanding entitled ''Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding''; and

(III) that describes—

(aa) the proposed closure; and

(bb) the justification for the proposed closure, including an explanation of the reasons and necessity for the decision to close the area to hunting, fishing, or recreational shooting; and

(ii) an opportunity for public comment for a period of—

(I) not less than 60 days for a permanent closure; or

(II) not less than 30 days for a temporary closure.

(B) FINAL DECISION.—In a final decision to permanently or temporarily close an area to hunting, fishing, or recreation shooting, the Secretary concerned shall—

(i) respond in a reasoned manner to the comments received;

(ii) explain how the Secretary concerned resolved any significant issues raised by the comments; and

(iii) show how the resolution led to the closure.

(c) TEMPORARY CLOSURES.—

(1) IN GENERAL.—A temporary closure under this section may not exceed a period of 180 days.

(2) RENEWAL.—Except in an emergency, a temporary closure for the same area of land closed to the same activities—

(A) may not be renewed more than 3 times after the first temporary closure; and

(B) must be subject to a separate notice and comment procedure in accordance with subsection (b)(2).

(3) EFFECT OF TEMPORARY CLOSURE.—Any Federal land that is temporarily closed to hunting, fishing, or recreational shooting under this section shall not become permanently closed to that activity without a separate public notice and opportunity to comment in accordance with subsection (b)(2).

(d) REPORTING.—On an annual basis, the Secretaries concerned shall—

(1) publish on a public website a list of all areas of Federal land temporarily or permanently subject to a closure under this section; and

(2) submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a report that identifies—

(A) a list of each area of Federal land temporarily or permanently subject to a closure;

(B) the acreage of each closure; and

(C) a survey of—

(i) the aggregate areas and acreage closed under this section in each State; and

(ii) the percentage of Federal land in each State closed under this section with respect to hunting, fishing, and recreational shooting.

(e) APPLICATION.—This section shall not apply if the closure is—

(1) less than 14 days in duration; and

(2) covered by a special use permit.

SEC. 6214. SHOOTING RANGES.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary concerned may, in accordance with this section and other applicable law, lease or permit the use of Federal land for a shooting range.

(b) EXCEPTION.—The Secretary concerned shall not lease or permit the use of Federal land for a shooting range, within—

(1) a component of the National Landscape Conservation System;

(2) a component of the National Wilderness Preservation System;

(3) any area that is—

(A) designated as a wilderness study area;

(B) administratively classified as—

(i) wilderness-eligible; or

(ii) wilderness-suitable; or

(C) a primitive or semiprimitive area;

(4) a national monument, national volcanic monument, or national scenic area; or

(5) a component of the National Wild and Scenic Rivers System (including areas designated for study for potential addition to the National Wild and Scenic Rivers System).

SEC. 6215. FEDERAL ACTION TRANSPARENCY.

(a) MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.—

(1) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (c)(1), by striking '', United States Code'';

(B) by redesignating subsection (f) as subsection (i); and

(C) by striking subsection (e) and inserting the following:

''(e)(1) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Energy Policy Modernization Act of 2016, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year under this section.

''(2) Each report under paragraph (1) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

''(3)(A) Each report under paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

''(B) The disclosure of fees and other expenses required under subparagraph (A) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

''(f) As soon as practicable, and in any event not later than the date on which the first report under subsection (e)(1) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this section made on or after the date of enactment of the Energy Policy Modernization Act of 2016, the following information:

''(1) The case name and number of the adversary adjudication, if available, hyperlinked to the case, if available.

''(2) The name of the agency involved in the adversary adjudication.

''(3) A description of the claims in the adversary adjudication.

''(4) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

''(5) The amount of the award.

''(6) The basis for the finding that the position of the agency concerned was not substantially justified.

''(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or a court order.

''(h) The head of each agency shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of subsections (e), (f), and (g).''.

(2) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

''(5)(A) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Energy Policy Modernization Act of 2016, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection.

''(B) Each report under subparagraph (A) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

''(C)(i) Each report under subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

''(ii) The disclosure of fees and other expenses required under clause (i) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

''(D) The Chairman of the Administrative Conference of the United States shall include and clearly identify in each annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

''(i) any amounts paid under section 1304 of title 31 for a judgment in the case;

''(ii) the amount of the award of fees and other expenses; and

''(iii) the statute under which the plaintiff filed suit.

''(6) As soon as practicable, and in any event not later than the date on which the first report under paragraph (5)(A) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this subsection made on or after the date of enactment of the Energy Policy Modernization Act of 2016, the following information:

''(A) The case name and number, hyperlinked to the case, if available.

''(B) The name of the agency involved in the case.

''(C) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

''(D) A description of the claims in the case.

''(E) The amount of the award.

''(F) The basis for the finding that the position of the agency concerned was not substantially justified.

''(7) The online searchable database described in paragraph (6) may not reveal any information the disclosure of which is prohibited by law or a court order.

''(8) The head of each agency (including the Attorney General of the United States) shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of paragraphs (5), (6), and (7).''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2412 of title 28, United States Code, is amended—

(A) in subsection (d)(3), by striking ''United States Code,''; and

(B) in subsection (e)—

(i) by striking ''of section 2412 of title 28, United States Code,'' and inserting ''of this section''; and

(ii) by striking ''of such title'' and inserting ''of this title''.

(b) JUDGMENT FUND TRANSPARENCY.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

''(d) Beginning not later than the date that is 60 days after the date of enactment of the Energy Policy Modernization Act of 2016, and unless the disclosure of such information is otherwise prohibited by law or a court order, the Secretary of the Treasury shall make available to the public on a website, as soon as practicable, but not later than 30 days after the date on which a payment under this section is tendered, the following information with regard to that payment:

''(1) The name of the specific agency or entity whose actions gave rise to the claim or judgment.

''(2) The name of the plaintiff or claimant.

''(3) The name of counsel for the plaintiff or claimant.

''(4) The amount paid representing principal liability, and any amounts paid representing any ancillary liability, including attorney fees, costs, and interest.

''(5) A brief description of the facts that gave rise to the claim.

''(6) The name of the agency that submitted the claim.''.

PART III—FILMING ON FEDERAL LAND MANAGEMENT AGENCY LAND

SEC. 6221. COMMERCIAL FILMING.

(a) IN GENERAL.—Section 1 of Public Law 106–206 (16 U.S.C. 4601–6d) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) DEFINITION OF SECRETARY.—The term 'Secretary' means the Secretary of the Interior or the Secretary of Agriculture, as applicable, with respect to land under the respective jurisdiction of the Secretary.'';

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''of the Interior or the Secretary of Agriculture (hereafter individually referred to as the 'Secretary' with respect to land (except land in a System unit as defined in section 100102 of title 54, United States Code) under their respective jurisdictions)''; and

(ii) in subparagraph (B), by inserting '', except in the case of film crews of 3 or fewer individuals'' before the period at the end; and

(B) by adding at the end the following:

''(3) FEE SCHEDULE.—Not later than 180 days after the date of enactment of the Energy Policy Modernization Act of 2016, to enhance consistency in the management of Federal land, the Secretaries shall publish a single joint land use fee schedule for commercial filming and still photography.'';

(4) in subsection (c) (as so redesignated), in the second sentence, by striking ''subsection (a)'' and inserting ''subsection (b)'';

(5) in subsection (d) (as so redesignated), in the heading, by inserting ''Commercial'' before ''Still'';

(6) in paragraph (1) of subsection (f) (as so redesignated), by inserting ''in accordance with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.),'' after ''without further appropriation,'';

(7) in subsection (g) (as so redesignated)—

(A) by striking ''The Secretary shall'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall''; and

(B) by adding at the end the following:

''(2) CONSIDERATIONS.—The Secretary shall not consider subject matter or content as a criterion for issuing or denying a permit under this Act.''; and

(8) by adding at the end the following:

''(h) EXEMPTION FROM COMMERCIAL FILMING OR STILL PHOTOGRAPHY PERMITS AND FEES.—The Secretary shall not require persons holding commercial use authorizations or special recreation permits to obtain an additional permit or pay a fee for commercial filming or still photography under this Act if the filming or photography conducted is—

''(1) incidental to the permitted activity that is the subject of the commercial use authorization or special recreation permit; and

''(2) the holder of the commercial use authorization or special recreation permit is an individual or small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632)).

''(i) EXCEPTION FROM CERTAIN FEES.—Commercial filming or commercial still photography shall be exempt from fees under this Act, but not from recovery of costs under subsection (c), if the activity—

''(1) is conducted by an entity that is a small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632));

''(2) is conducted by a crew of not more than 3 individuals; and

''(3) uses only a camera and tripod.

''(j) APPLICABILITY TO NEWS GATHERING ACTIVITIES.—

''(1) IN GENERAL.—News gathering shall not be considered a commercial activity.

''(2) INCLUDED ACTIVITIES.—In this subsection, the term 'news gathering' includes, at a minimum, the gathering, recording, and filming of news and information related to news in any medium.''.

(b) CONFORMING AMENDMENTS.—Chapter 1009 of title 54, United States Code, is amended—

(1) by striking section 100905; and

(2) in the table of sections for chapter 1009 of title 54, United States Code, by striking the item relating to section 100905.

PART IV—BOWS, WILDLIFE MANAGEMENT, AND ACCESS OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING

SEC. 6231. BOWS IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(a)), is amended by adding at the end the following:

''§ 104909. Bows in parks

''(a) DEFINITION OF NOT READY FOR IMMEDIATE USE.—The term 'not ready for immediate use' means—

''(1) a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and

''(2) with respect to a crossbow, uncocked.

''(b) VEHICULAR TRANSPORTATION AUTHORIZED.—The Director shall not promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit in the vehicle of the individual if—

''(1) the individual is not otherwise prohibited by law from possessing the bows and crossbows;

''(2) the bows or crossbows that are not ready for immediate use remain inside the vehicle of the individual throughout the period during which the bows or crossbows are transported across System land; and

''(3) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54, United States Code (as amended by section 5001(b)), is amended by inserting after the item relating to section 104908 the following:

''104909. Bows in parks.''.

SEC. 6232. WILDLIFE MANAGEMENT IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 6231(a)), is amended by adding at the end the following:

''SEC. 104910. WILDLIFE MANAGEMENT IN PARKS.

''(a) USE OF QUALIFIED VOLUNTEERS.—If the Secretary determines it is necessary to reduce the size of a wildlife population on System land in accordance with applicable law (including regulations), the Secretary may use qualified volunteers to assist in carrying out wildlife management on System land.

''(b) REQUIREMENTS FOR QUALIFIED VOLUNTEERS.—Qualified volunteers providing assistance under subsection (a) shall be subject to—

''(1) any training requirements or qualifications established by the Secretary; and

''(2) any other terms and conditions that the Secretary may require.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54 (as amended by section 6231(b)), United States Code, is amended by inserting after the item relating to section 104909 the following:

''104910. Wildlife management in parks.''.

SEC. 6233. IDENTIFYING OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of the Interior, with respect to land administered by—

(i) the Director of the National Park Service;

(ii) the Director of the United States Fish and Wildlife Service; and

(iii) the Director of the Bureau of Land Management; and

(B) the Secretary of Agriculture, with respect to land administered by the Chief of the Forest Service.

(2) STATE OR REGIONAL OFFICE.—The term ''State or regional office'' means—

(A) a State office of the Bureau of Land Management; or

(B) a regional office of—

(i) the National Park Service;

(ii) the United States Fish and Wildlife Service; or

(iii) the Forest Service.

(3) TRAVEL MANAGEMENT PLAN.—The term ''travel management plan'' means a plan for the management of travel—

(A) with respect to land under the jurisdiction of the National Park Service, on park roads and designated routes under section 4.10 of title 36, Code of Federal Regulations (or successor regulations);

(B) with respect to land under the jurisdiction of the United States Fish and Wildlife Service, on the land under a comprehensive conservation plan prepared under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e));

(C) with respect to land under the jurisdiction of the Forest Service, on National Forest System land under part 212 of title 36, Code of Federal Regulations (or successor regulations); and

(D) with respect to land under the jurisdiction of the Bureau of Land Management, under a resource management plan developed under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(b) PRIORITY LISTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, annually during the 10-year period beginning on the date on which the first priority list is

completed, and every 5 years after the end of the 10-year period, the Secretary shall prepare a priority list, to be made publicly available on the website of the applicable Federal agency referred to in subsection (a)(1), which shall identify the location and acreage of land within the jurisdiction of each State or regional office on which the public is allowed, under Federal or State law, to hunt, fish, or use the land for other recreational purposes but—

(A) to which there is no public access or egress; or

(B) to which public access or egress to the legal boundaries of the land is significantly restricted (as determined by the Secretary).

(2) MINIMUM SIZE.—Any land identified under paragraph (1) shall consist of contiguous acreage of at least 640 acres.

(3) CONSIDERATIONS.—In preparing the priority list required under paragraph (1), the Secretary shall consider with respect to the land—

(A) whether access is absent or merely restricted, including the extent of the restriction;

(B) the likelihood of resolving the absence of or restriction to public access;

(C) the potential for recreational use;

(D) any information received from the public or other stakeholders during the nomination process described in paragraph (5); and

(E) any other factor as determined by the Secretary.

(4) ADJACENT LAND STATUS.—For each parcel of land on the priority list, the Secretary shall include in the priority list whether resolving the issue of public access or egress to the land would require acquisition of an easement, right-of-way, or fee title from—

(A) another Federal agency;

(B) a State, local, or tribal government; or

(C) a private landowner.

(5) NOMINATION PROCESS.—In preparing a priority list under this section, the Secretary shall provide an opportunity for members of the public to nominate parcels for inclusion on the priority list.

(c) ACCESS OPTIONS.—With respect to land included on a priority list described in subsection (b), the Secretary shall develop and submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report on options for providing access that—

(1) identifies how public access and egress could reasonably be provided to the legal boundaries of the land in a manner that minimizes the impact on wildlife habitat and water quality;

(2) specifies the steps recommended to secure the access and egress, including acquiring an easement, right-of-way, or fee title from a willing owner of any land that abuts the land or the need to coordinate with State land management agencies or other Federal, State, or tribal governments to allow for such access and egress; and

(3) is consistent with the travel management plan in effect on the land.

(d) PROTECTION OF PERSONALLY IDENTIFYING INFORMATION.—In making the priority list and report prepared under subsections (b) and (c) available, the Secretary shall ensure that no personally identifying information is included, such as names or addresses of individuals or entities.

(e) WILLING OWNERS.—For purposes of providing any permits to, or entering into agreements with, a State, local, or tribal government or private landowner with respect to the use of land under the jurisdiction of the government or landowner, the Secretary shall not take into account whether the State, local, or tribal government or private landowner has granted or denied public access or egress to the land.

(f) MEANS OF PUBLIC ACCESS AND EGRESS INCLUDED.—In considering public access and egress under subsections (b) and (c), the Secretary shall consider public access and egress to the legal boundaries of the land described in those subsections, including access and egress—

(1) by motorized or non-motorized vehicles; and

(2) on foot or horseback.

(g) EFFECT.—

(1) IN GENERAL.—This section shall have no effect on whether a particular recreational use shall be allowed on the land included in a priority list under this section.

(2) EFFECT OF ALLOWABLE USES ON AGENCY CONSIDERATION.—In preparing the priority list under subsection (b), the Secretary shall only consider recreational uses that are allowed on the land at the time that the priority list is prepared.

PART V—FEDERAL LAND TRANSACTION FACILITATION ACT

SEC. 6241. FEDERAL LAND TRANSACTION FACILITATION ACT.

(a) IN GENERAL.—The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking ''on the date of enactment of this Act was'' and inserting ''is'';

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking ''(as in effect on the date of enactment of this Act)''; and

(B) by striking subsection (d);

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking ''96–568'' and inserting ''96–586''; and

(ii) by striking ''; or'' and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting ''Public Law 105–263;'' before ''112 Stat.''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);

''(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

''(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);

''(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);

''(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or

''(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).''.

(b) FUNDS TO TREASURY.—Of the amounts deposited in the Federal Land Disposal Account, there shall be transferred to the general fund of the Treasury $1,000,000 for each of fiscal years 2016 through 2025.

PART VI—MISCELLANEOUS

SEC. 6251. RESPECT FOR TREATIES AND RIGHTS.

Nothing in this subtitle or the amendments made by this subtitle—

(1) affects or modifies any treaty or other right of any federally recognized Indian tribe; or

(2) modifies any provision of Federal law relating to migratory birds or to endangered or threatened species.

SEC. 6252. NO PRIORITY.

Nothing in this subtitle or the amendments made by this subtitle provides a preference to hunting, fishing, or recreational shooting over any other use of Federal land or water.

Subtitle D—Water Infrastructure and Related Matters

PART I—FONTENELLE RESERVOIR

SEC. 6301. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY OF FONTENELLE RESERVOIR AVAILABLE FOR USE.

(a) IN GENERAL.—The Secretary of the Interior, in cooperation with the State of Wyoming, may amend the Definite Plan Report for the Seedskadee Project authorized under the first section of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620), to provide for the study, design, planning, and construction activities that will enable the use of all active storage capacity (as may be defined or limited by legal, hydrologic, structural, engineering, economic, and environmental considerations) of Fontenelle Dam and Reservoir, including the placement of sufficient riprap on the upstream face of Fontenelle Dam to allow the active storage capacity of Fontenelle Reservoir to be used for those purposes for which the Seedskadee Project was authorized.

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Interior may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out subsection (a).

(2) STATE OF WYOMING.—

(A) IN GENERAL.—The Secretary of the Interior shall enter into a cooperative agreement with the State of Wyoming to work in cooperation and collaboratively with the State of Wyoming for planning, design, related preconstruction activities, and construction of any modification of the Fontenelle Dam under subsection (a).

(B) REQUIREMENTS.—The cooperative agreement under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary of the Interior and the State of Wyoming with respect to—

(i) completing the planning and final design of the modification of the Fontenelle Dam under subsection (a);

(ii) any environmental and cultural resource compliance activities required for the modification of the Fontenelle Dam under subsection (a) including compliance with—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(III) subdivision 2 of division A of subtitle III of title 54, United States Code; and

(iii) the construction of the modification of the Fontenelle Dam under subsection (a).

(c) FUNDING BY STATE OF WYOMING.—Pursuant to the Act of March 4, 1921 (41 Stat. 1404, chapter 161; 43 U.S.C. 395), and as a condition of providing any additional storage under subsection (a), the State of Wyoming shall provide to the Secretary of the Interior funds for any work carried out under subsection (a).

(d) OTHER CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior may enter into contracts with the State of Wyoming, on such terms and conditions as the Secretary of the Interior and the State of Wyoming may agree, for division of any additional active capacity made available under subsection (a).

(2) TERMS AND CONDITIONS.—Unless otherwise agreed to by the Secretary of the Interior and the State of Wyoming, a contract entered into under paragraph (1) shall be subject to the terms and conditions of Bureau of Reclamation Contract No. 14–06–400–2474 and Bureau of Reclamation Contract No. 14–06–400–6193.

SEC. 6302. SAVINGS PROVISIONS.

Unless expressly provided in this part, nothing in this part modifies, conflicts with, preempts, or otherwise affects—

(1) the Act of December 31, 1928 (43 U.S.C. 617 et seq.) (commonly known as the ''Boulder Canyon Project Act'');

(2) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(3) the Act of July 19, 1940 (43 U.S.C. 618 et seq.) (commonly known as the ''Boulder Canyon Project Adjustment Act'');

(4) the Treaty between the United States of America and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219);

(5) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31);

(6) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(7) the Colorado River Basin Project Act (Public Law 90–537; 82 Stat. 885); or

(8) any State of Wyoming or other State water law.

PART II—BUREAU OF RECLAMATION TRANSPARENCY

SEC. 6311. DEFINITIONS.

In this part:

(1) ASSET.—

(A) IN GENERAL.—The term ''asset'' means any of the following assets that are used to achieve the mission of the Bureau of Reclamation to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the people of the United States:

(i) Capitalized facilities, buildings, structures, project features, power production equipment, recreation facilities, or quarters.

(ii) Capitalized and noncapitalized heavy equipment and other installed equipment.

(B) INCLUSIONS.—The term ''asset'' includes assets described in subparagraph (A) that are considered to be mission critical.

(2) ASSET MANAGEMENT REPORT.—The term ''Asset Management Report'' means—

(A) the annual plan prepared by the Bureau of Reclamation known as the ''Asset Management Plan''; and

(B) any publicly available information relating to the plan described in subparagraph (A) that summarizes the efforts of the Bureau of Reclamation to evaluate and manage infrastructure assets of the Bureau of Reclamation.

(3) MAJOR REPAIR AND REHABILITATION NEED.—The term ''major repair and rehabilitation need'' means major nonrecurring maintenance at a Reclamation facility, including maintenance related to the safety of dams, extraordinary maintenance of dams, deferred major maintenance activities, and all other significant repairs and extraordinary maintenance.

(4) RECLAMATION FACILITY.—The term ''Reclamation facility'' means each of the infrastructure assets that are owned by the Bureau of Reclamation at a Reclamation project.

(5) RECLAMATION PROJECT.—The term ''Reclamation project'' means a project that is owned by the Bureau of Reclamation, including all reserved works and transferred works owned by the Bureau of Reclamation.

(6) RESERVED WORKS.—The term ''reserved works'' means buildings, structures, facilities, or equipment that are owned by the Bureau of Reclamation for which operations and maintenance are performed by employees of the Bureau of Reclamation or through a contract entered into by the Bureau of Reclamation, regardless of the source of funding for the operations and maintenance.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) TRANSFERRED WORKS.—The term ''transferred works'' means a Reclamation facility at which operations and maintenance of the facility is carried out by a non-Federal entity under the provisions of a formal operations and maintenance transfer contract or other legal agreement with the Bureau of Reclamation.

SEC. 6312. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR RESERVED WORKS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress an Asset Management Report that—

(1) describes the efforts of the Bureau of Reclamation—

(A) to maintain in a reliable manner all reserved works at Reclamation facilities; and

(B) to standardize and streamline data reporting and processes across regions and areas for the purpose of maintaining reserved works at Reclamation facilities; and

(2) expands on the information otherwise provided in an Asset Management Report, in accordance with subsection (b).

(b) INFRASTRUCTURE MAINTENANCE NEEDS ASSESSMENT.—

(1) IN GENERAL.—The Asset Management Report submitted under subsection (a) shall include—

(A) a detailed assessment of major repair and rehabilitation needs for all reserved works at all Reclamation projects; and

(B) to the extent practicable, an itemized list of major repair and rehabilitation needs of individual Reclamation facilities at each Reclamation project.

(2) INCLUSIONS.—To the extent practicable, the itemized list of major repair and rehabilitation needs under paragraph (1)(B) shall include—

(A) a budget level cost estimate of the appropriations needed to complete each item; and

(B) an assignment of a categorical rating for each item, consistent with paragraph (3).

(3) RATING REQUIREMENTS.—

(A) IN GENERAL.—The system for assigning ratings under paragraph (2)(B) shall be—

(i) consistent with existing uniform categorization systems to inform the annual budget process and agency requirements; and

(ii) subject to the guidance and instructions issued under subparagraph (B).

(B) GUIDANCE.—As soon as practicable after the date of enactment of this Act, the Secretary shall issue guidance that describes the applicability of the rating system applicable under paragraph (2)(B) to Reclamation facilities.

(4) PUBLIC AVAILABILITY.—Except as provided in paragraph (5), the Secretary shall make publicly available, including on the Internet, the Asset Management Report required under subsection (a).

(5) CONFIDENTIALITY.—The Secretary may exclude from the public version of the Asset Management Report made available under paragraph (4) any information that the Secretary identifies as sensitive or classified, but shall make available to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a version of the report containing the sensitive or classified information.

(c) UPDATES.—Not later than 2 years after the date on which the Asset Management Report is submitted under subsection (a) and biennially thereafter, the Secretary shall update the Asset Management Report, subject to the requirements of section 6313(b)(2).

(d) CONSULTATION.—To the extent that such consultation would assist the Secretary in preparing the Asset Management Report under subsection (a) and updates to the Asset Management Report under subsection (c), the Secretary shall consult with—

(1) the Secretary of the Army (acting through the Chief of Engineers); and

(2) water and power contractors.

SEC. 6313. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR TRANSFERRED WORKS.

(a) IN GENERAL.—The Secretary shall coordinate with the non-Federal entities responsible for the operation and maintenance of transferred works in developing reporting requirements for Asset Management Reports with respect to major repair and rehabilitation needs for transferred works that are similar to the reporting requirements described in section 6312(b).

(b) GUIDANCE.—

(1) IN GENERAL.—After considering input from water and power contractors of the Bureau of Reclamation, the Secretary shall develop and implement a rating system for transferred works that incorporates, to the maximum extent practicable, the rating system for major repair and rehabilitation needs for reserved works developed under section 6312(b)(3).

(2) UPDATES.—The ratings system developed under paragraph (1) shall be included in the updated Asset Management Reports under section 6312(c).

SEC. 6314. OFFSET.

Notwithstanding any other provision of law, in the case of the project authorized by section 1617 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–12c), the maximum amount of the Federal share of the cost of the project under section 1631(d)(1) of that Act (43 U.S.C. 390h–13(d)(1)) otherwise available as of the date of enactment of this Act shall be reduced by $2,000,000.

PART III—YAKIMA RIVER BASIN WATER ENHANCEMENT

SEC. 6321. SHORT TITLE.

This part may be cited as the ''Yakima River Basin Water Enhancement Project Phase III Act of 2016''.

SEC. 6322. MODIFICATION OF TERMS, PURPOSES, AND DEFINITIONS.

(a) MODIFICATION OF TERMS.—Title XII of Public Law 103–434 (108 Stat. 4550) is amended—

(1) by striking ''Yakama Indian'' each place it appears (except section 1204(g)) and inserting ''Yakama''; and

(2) by striking ''Superintendent'' each place it appears and inserting ''Manager''.

(b) MODIFICATION OF PURPOSES.—Section 1201 of Public Law 103–434 (108 Stat. 4550) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) to protect, mitigate, and enhance fish and wildlife and the recovery and maintenance of self-sustaining harvestable populations of fish and other aquatic life, both anadromous and resident species, throughout their historic distribution range in the Yakima Basin through—

''(A) improved water management and the constructions of fish passage at storage and diversion dams, as authorized under the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.);

''(B) improved instream flows and water supplies;

''(C) improved water quality, watershed, and ecosystem function;

''(D) protection, creation, and enhancement of wetlands; and

''(E) other appropriate means of habitat improvement;'';

(2) in paragraph (2), by inserting '', municipal, industrial, and domestic water supply and use purposes, especially during drought years, including reducing the frequency and severity of water supply shortages for proratable irrigation entities'' before the semicolon at the end;

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

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

''(3) to authorize the Secretary to make water available for purchase or lease for meeting municipal, industrial, and domestic water supply purposes;'';

(6) by redesignating paragraphs (5) and (6) as paragraphs (6) and (8), respectively;

(7) by inserting after paragraph (4) (as so redesignated) the following:

''(5) to realize sufficient water savings from implementing the Yakima River Basin Integrated Water Resource Management Plan, so that not less than 85,000 acre feet of water savings are achieved by implementing the first phase of the Integrated Plan pursuant to section 1213(a), in addition to the 165,000 acre feet of water savings targeted through the Basin Conservation Program, as authorized on October 31, 1994;'';

(8) in paragraph (6) (as so redesignated)—

(A) by inserting ''an increase in'' before ''voluntary''; and

(B) by striking ''and'' at the end;

(9) by inserting after paragraph (6) (as so redesignated) the following:

''(7) to encourage an increase in the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities to enhance water management in the Yakima River basin;'';

(10) in paragraph (8) (as redesignated by paragraph (6)), by striking the period at the end and inserting a semicolon; and

(11) by adding at the end the following:

''(9) to improve the resilience of the ecosystems, economies, and communities in the Basin as they face drought, hydrologic changes, and other related changes and variability in natural and human systems, for the benefit of both the people and the fish and wildlife of the region; and

''(10) to authorize and implement the Yakima River Basin Integrated Water Resource Management Plan as Phase III of the Yakima River Basin Water Enhancement Project, as a balanced and cost-effective approach to maximize benefits to the communities and environment in the Basin.''.

(c) MODIFICATION OF DEFINITIONS.—Section 1202 of Public Law 103–434 (108 Stat. 4550) is amended—

(1) by redesignating paragraphs (6), (7), (8), (9), (10), (11), (12), (13), and (14) as paragraphs (8), (10), (11), (13), (14), (15), (16), (18), and (19), respectively;

(2) by inserting after paragraph (5) the following:

''(6) DESIGNATED FEDERAL OFFICIAL.—The term 'designated Federal official' means the Commissioner of Reclamation (or a designee), acting pursuant to the charter of the Conservation Advisory Group.

''(7) INTEGRATED PLAN.—The terms 'Integrated Plan' and 'Yakima River Basin Integrated Water Resource Plan' mean the plan and activities authorized by the Yakima River Basin Water Enhancement Project Phase III Act of 2016 and the amendments made by that part, to be carried out in cooperation with and in addition to activities of the State of Washington and Yakama Nation.'';

(3) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

''(9) MUNICIPAL, INDUSTRIAL, AND DOMESTIC WATER SUPPLY AND USE.—The term 'municipal, industrial, and domestic water supply and use' means the supply and use of water for—

''(A) domestic consumption (whether urban or rural);

''(B) maintenance and protection of public health and safety;

''(C) manufacture, fabrication, processing, assembly, or other production of a good or commodity;

''(D) production of energy;

''(E) fish hatcheries; or

''(F) water conservation activities relating to a use described in subparagraphs (A) through (E).'';

(4) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following:

''(12) PRORATABLE IRRIGATION ENTITY.—The term 'proratable irrigation entity' means a district, project, or State-recognized authority, board of control, agency, or entity located in the Yakima River basin that—

''(A) manages and delivers irrigation water to farms in the basin; and

''(B) possesses, or the members of which possess, water rights that are proratable during periods of water shortage.''; and

(5) by inserting after paragraph (16) (as redesignated by paragraph (1)) the following:

''(17) YAKIMA ENHANCEMENT PROJECT; YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.—The terms 'Yakima Enhancement Project' and 'Yakima River Basin Water Enhancement Project' mean the Yakima River basin water enhancement project authorized by Congress pursuant to this Act and other Acts (including Public Law 96–162 (93 Stat. 1241), section 109 of Public Law 98–381 (16 U.S.C. 839b note; 98 Stat. 1340), Public Law 105–62 (111 Stat. 1320), and Public Law 106–372 (114 Stat. 1425)) to promote water conservation, water supply, habitat, and stream enhancement improvements in the Yakima River basin.''.

SEC. 6323. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

Section 1203 of Public Law 103–434 (108 Stat. 4551) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the second sentence, by striking ''title'' and inserting ''section''; and

(ii) in the third sentence, by striking ''within 5 years of the date of enactment of this Act''; and

(B) in paragraph (2), by striking ''irrigation'' and inserting ''the number of irrigated acres'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in each of subparagraphs (A) through (D), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (E), by striking the comma at the end and inserting ''; and'';

(iii) in subparagraph (F), by striking ''Department of Wildlife of the State of Washington, and'' and inserting ''Department of Fish and Wildlife of the State of Washington.''; and

(iv) by striking subparagraph (G);

(B) in paragraph (3)—

(i) in each of subparagraphs (A) through (C), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (D), by striking '', and'' and inserting a semicolon;

(iii) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(F) provide recommendations to advance the purposes and programs of the Yakima Enhancement Project, including the Integrated Plan.''; and

(C) by striking paragraph (4) and inserting the following:

''(4) AUTHORITY OF DESIGNATED FEDERAL OFFICIAL.—The designated Federal official may—

''(A) arrange and provide logistical support for meetings of the Conservation Advisory Group;

''(B) use a facilitator to serve as a moderator for meetings of the Conservation Advisory Group or provide additional logistical support; and

''(C) grant any request for a facilitator by any member of the Conservation Advisory Group.'';

(3) in subsection (d), by adding at the end the following:

''(4) PAYMENT OF LOCAL SHARE BY STATE OR FEDERAL GOVERNMENT.—

''(A) IN GENERAL.—The State or the Federal Government may fund not more than the 17.5 percent local share of the costs of the Basin Conservation Program in exchange for the long-term use of conserved water, subject to the requirement that the funding by the Federal Government of the local share of the costs shall provide a quantifiable public benefit in meeting Federal responsibilities in the Basin and the purposes of this title.

''(B) USE OF CONSERVED WATER.—The Yakima Project Manager may use water resulting from conservation measures taken under this title, in addition to water that the Bureau of Reclamation may acquire from any willing seller through purchase, donation, or lease, for water management uses pursuant to this title.'';

(4) in subsection (e), by striking the first sentence and inserting the following: ''To participate in the Basin Conservation Program, as described in subsection (b), an entity shall submit to the Secretary a proposed water conservation plan.'';

(5) in subsection (i)(3)—

(A) by striking ''purchase or lease'' each place it appears and inserting ''purchase, lease, or management''; and

(B) in the third sentence, by striking ''made immediately upon availability'' and all that follows through ''Committee'' and inserting ''continued as needed to provide water to be used by the Yakima Project Manager as recommended by the System Operations Advisory Committee and the Conservation Advisory Group''; and

(6) in subsection (j)(4), in the first sentence, by striking ''initial acquisition'' and all that follows through ''flushing flows'' and inserting ''acquisition of water from willing sellers or lessors specifically to provide improved instream flows for anadromous and resident fish and other aquatic life, including pulse flows to facilitate outward migration of anadromous fish''.

SEC. 6324. YAKIMA BASIN WATER PROJECTS, OPERATIONS, AND AUTHORIZATIONS.

(a) YAKAMA NATION PROJECTS.—Section 1204 of Public Law 103–434 (108 Stat. 4555) is amended—

(1) in subsection (a)(2), in the first sentence, by striking ''not more than $23,000,000'' and inserting ''not more than $100,000,000''; and

(2) in subsection (g)—

(A) by striking the subsection heading and inserting ''REDESIGNATION OF YAKAMA INDIAN NATION TO YAKAMA NATION.—'';

(B) by striking paragraph (1) and inserting the following:

''(1) REDESIGNATION.—The Confederated Tribes and Bands of the Yakama Indian Nation shall be known and designated as the 'Confederated Tribes and Bands of the Yakama Nation'.''; and

(C) in paragraph (2), by striking ''deemed to be a reference to the 'Confederated Tribes and Bands of the Yakama Indian Nation'.'' and inserting ''deemed to be a reference to

the 'Confederated Tribes and Bands of the Yakama Nation'.''.

(b) OPERATION OF YAKIMA BASIN PROJECTS.—Section 1205 of Public Law 103–434 (108 Stat. 4557) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) by inserting ''additional'' after ''secure'';

(bb) by striking ''flushing'' and inserting ''pulse''; and

(cc) by striking ''uses'' and inserting ''uses, in addition to the quantity of water provided under the treaty between the Yakama Nation and the United States'';

(II) by striking clause (ii);

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

(IV) in clause (ii) (as so redesignated) by inserting ''and water rights mandated'' after ''goals''; and

(ii) in subparagraph (B)(i), in the first sentence, by inserting ''in proportion to the funding received'' after ''Program'';

(2) in subsection (b) (as amended by section 6322(a)(2)), in the second sentence, by striking ''instream flows for use by the Yakima Project Manager as flushing flows or as otherwise'' and inserting ''fishery purposes, as''; and

(3) in subsection (e), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Additional purposes of the Yakima Project shall be any of the following:

''(A) To recover and maintain self-sustaining harvestable populations of native fish, both anadromous and resident species, throughout their historic distribution range in the Yakima Basin.

''(B) To protect, mitigate, and enhance aquatic life and wildlife.

''(C) Recreation.

''(D) Municipal, industrial, and domestic use.''.

(c) LAKE CLE ELUM AUTHORIZATION OF APPROPRIATIONS.—Section 1206(a)(1) of Public Law 103–434 (108 Stat. 4560), is amended, in the matter preceding subparagraph (A), by striking ''at September'' and all that follows through ''to—'' and inserting ''not more than $12,000,000 to—''.

(d) ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA BASIN TRIBUTARIES.—Section 1207 of Public Law 103–434 (108 Stat. 4560) is amended—

(1) in the heading, by striking ''**SUPPLIES**'' and inserting ''**MANAGEMENT**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''supplies'' and inserting ''management'';

(B) in paragraph (1), by inserting ''and water supply entities'' after ''owners''; and

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''that choose not to participate or opt out of tributary enhancement projects pursuant to this section'' after ''water right owners''; and

(ii) in subparagraph (B), by inserting ''nonparticipating'' before ''tributary water users'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking the paragraph designation and all that follows through ''(but not limited to)—'' and inserting the following:

''(1) IN GENERAL.—The Secretary, following consultation with the State of Washington, tributary water right owners, and the Yakama Nation, and on agreement of appropriate water right owners, is authorized to conduct studies to evaluate measures to further Yakima Project purposes on tributaries to the Yakima River. Enhancement programs that use measures authorized by this subsection may be investigated and implemented by the Secretary in tributaries to the Yakima River, including Taneum Creek, other areas, or tributary basins that currently or could potentially be provided supplemental or transfer water by entities, such as the Kittitas Reclamation District or the Yakima-Tieton Irrigation District, subject to the condition that activities may commence on completion of applicable and required feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development, as appropriate. Measures to evaluate include—'';

(ii) by indenting subparagraphs (A) through (F) appropriately;

(iii) in subparagraph (A), by inserting before the semicolon at the end the following: '', including irrigation efficiency improvements (in coordination with programs of the Department of Agriculture), consolidation of diversions or administration, and diversion scheduling or coordination'';

(iv) by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively;

(v) by inserting after subparagraph (B) the following:

''(C) improvements in irrigation system management or delivery facilities within the Yakima River basin when those improvements allow for increased irrigation system conveyance and corresponding reduction in diversion from tributaries or flow enhancements to tributaries through direct flow supplementation or groundwater recharge;

''(D) improvements of irrigation system management or delivery facilities to reduce or eliminate excessively high flows caused by the use of natural streams for conveyance or irrigation water or return water;'';

(vi) in subparagraph (E) (as redesignated by clause (iv)), by striking ''ground water'' and inserting ''groundwater recharge and'';

(vii) in subparagraph (G) (as redesignated by clause (iv)), by inserting ''or transfer'' after ''purchase''; and

(viii) in subparagraph (H) (as redesignated by clause (iv)), by inserting ''stream processes and'' before ''stream habitats'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''the Taneum Creek study'' and inserting ''studies under this subsection'';

(ii) in subparagraph (B)—

(I) by striking ''and economic'' and inserting '', infrastructure, economic, and land use''; and

(II) by striking ''and'' at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) any related studies already underway or undertaken.''; and

(C) in paragraph (3), in the first sentence, by inserting ''of each tributary or group of tributaries'' after ''study'';

(4) in subsection (c)—

(A) in the heading, by inserting ''**AND NONSURFACE STORAGE**'' after ''**NONSTORAGE**''; and

(B) in the matter preceding paragraph (1), by inserting ''and nonsurface storage'' after ''nonstorage'';

(5) by striking subsection (d);

(6) by redesignating subsection (e) as subsection (d); and

(7) in paragraph (2) of subsection (d) (as so redesignated)—

(A) in the first sentence—

(i) by inserting ''and implementation'' after ''investigation'';

(ii) by striking ''other'' before ''Yakima River''; and

(iii) by inserting ''and other water supply entities'' after ''owners''; and

(B) by striking the second sentence.

(e) CHANDLER PUMPING PLANT AND POWERPLANT-OPERATIONS AT PROSSER DIVERSION DAM.—Section 1208(d) of Public Law 103–434 (108 Stat. 4562; 114 Stat. 1425) is amended by inserting ''negatively'' before ''affected''.

(f) INTERIM COMPREHENSIVE BASIN OPERATING PLAN.—Section 1210(c) of Public Law 103–434 (108 Stat. 4564) is amended by striking ''$100,000'' and inserting ''$200,000''.

(g) ENVIRONMENTAL COMPLIANCE.—Section 1211 of Public Law 103–434 (108 Stat. 4564) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

SEC. 6325. AUTHORIZATION OF PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.

Title XII of Public Law 103–434 (108 Stat. 4550) is amended by adding at the end the following:

''SEC. 1213. AUTHORIZATION OF THE INTEGRATED PLAN AS PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.

''(a) INTEGRATED PLAN.—

''(1) IN GENERAL.—The Secretary shall implement the Integrated Plan as Phase III of the Yakima River Basin Water Enhancement Project in accordance with this section and applicable laws.

''(2) INITIAL DEVELOPMENT PHASE OF THE INTEGRATED PLAN.—

''(A) IN GENERAL.—The Secretary, in coordination with the State of Washington and Yakama Nation and subject to feasibility studies, environmental reviews, and the availability of appropriations, shall implement an initial development phase of the Integrated Plan, to—

''(i) complete the planning, design, and construction or development of upstream and downstream fish passage facilities, as previously authorized by the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.) at Cle Elum Reservoir and another Yakima Project reservoir identified by the Secretary as consistent with the Integrated Plan, subject to the condition that, if the Yakima Project reservoir identified by the Secretary contains a hydropower project licensed by the Federal Energy Regulatory Commission, the Secretary shall cooperate with the Federal Energy Regulatory Commission in a timely manner to ensure that actions taken by the Secretary are consistent with the applicable hydropower project license;

''(ii) negotiate long-term agreements with participating proratable irrigation entities in the Yakima Basin and, acting through the Bureau of Reclamation, coordinate between Bureaus of the Department of the Interior and with the heads of other Federal agencies to negotiate agreements concerning leases, easements, and rights-of-way on Federal land, and other terms and conditions determined to be necessary to allow for the non-Federal financing, construction, operation, and maintenance of—

''(I) new facilities needed to access and deliver inactive storage in Lake Kachess for the purpose of providing drought relief for irrigation (known as the 'Kachess Drought Relief Pumping Plant'); and

''(II) a conveyance system to allow transfer of water between Keechelus Reservoir to Kachess Reservoir for purposes of improving operational flexibility for the benefit of both fish and irrigation (known as the 'K to K Pipeline');

''(iii) participate in, provide funding for, and accept non-Federal financing for—

''(I) water conservation projects, not subject to the provisions of the Basin Conservation Program described in section 1203, that are intended to partially implement the Integrated Plan by providing 85,000 acre-feet of conserved water to improve tributary and mainstem stream flow; and

''(II) aquifer storage and recovery projects;

''(iv) study, evaluate, and conduct feasibility analyses and environmental reviews of fish passage, water supply (including groundwater and surface water storage), conservation, habitat restoration projects, and other alternatives identified as consistent with the purposes of this Act, for the initial and future phases of the Integrated Plan;

''(v) coordinate with and assist the State of Washington in implementing a robust water market to enhance water management in the Yakima River basin, including—

''(I) assisting in identifying ways to encourage and increase the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities in the Yakima River basin;

''(II) providing technical assistance, including scientific data and market information; and

''(III) negotiating agreements that would facilitate voluntary water transfers between entities, including as appropriate, the use of federally managed infrastructure; and

''(vi) enter into cooperative agreements with, or, subject to a minimum non-Federal cost-sharing requirement of 50 percent, make grants to, the Yakama Nation, the State of Washington, Yakima River basin irrigation districts, water districts, conservation districts, other local governmental entities, nonprofit organizations, and land owners to carry out this title under such terms and conditions as the Secretary may require, including the following purposes:

''(I) Land and water transfers, leases, and acquisitions from willing participants, so long as the acquiring entity shall hold title and be responsible for any and all required operations, maintenance, and management of that land and water.

''(II) To combine or relocate diversion points, remove fish barriers, or for other activities that increase flows or improve habitat in the Yakima River and its tributaries in furtherance of this title.

''(III) To implement, in partnership with Federal and non-Federal entities, projects to enhance the health and resilience of the watershed.

''(B) COMMENCEMENT DATE.—The Secretary shall commence implementation of the activities included under the initial development phase pursuant to this paragraph—

''(i) on the date of enactment of this section; and

''(ii) on completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development.

''(3) INTERMEDIATE AND FINAL PHASES.—

''(A) IN GENERAL.—The Secretary, in coordination with the State of Washington and in consultation with the Yakama Nation, shall develop plans for intermediate and final development phases of the Integrated Plan to achieve the purposes of this Act, including conducting applicable feasibility studies, environmental reviews, and other relevant studies needed to develop the plans.

''(B) INTERMEDIATE PHASE.—The Secretary shall develop an intermediate development phase to implement the Integrated Plan that, subject to authorization and appropriation, would commence not later than 10 years after the date of enactment of this section.

''(C) FINAL PHASE.—The Secretary shall develop a final development phase to implement the Integrated Plan that, subject to authorization and appropriation, would commence not later than 20 years after the date of enactment of this section.

''(4) CONTINGENCIES.—The implementation by the Secretary of projects and activities identified for implementation under the Integrated Plan shall be—

''(A) subject to authorization and appropriation;

''(B) contingent on the completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development;

''(C) implemented on public review and a determination by the Secretary that design, construction, and operation of a proposed project or activity is in the best interest of the public; and

''(D) in compliance with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq).

''(5) PROGRESS REPORT.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Secretary, in conjunction with the State of Washington and in consultation with the Yakama Nation, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a progress report on the development and implementation of the Integrated Plan.

''(B) REQUIREMENTS.—The progress report under this paragraph shall—

''(i) provide a review and reassessment, if needed, of the objectives of the Integrated Plan, as applied to all elements of the Integrated Plan;

''(ii) assess, through performance metrics developed at the initiation of, and measured throughout the implementation of, the Integrated Plan, the degree to which the implementation of the initial development phase addresses the objectives and all elements of the Integrated Plan;

''(iii) identify the amount of Federal funding and non-Federal contributions received and expended during the period covered by the report;

''(iv) describe the pace of project development during the period covered by the report;

''(v) identify additional projects and activities proposed for inclusion in any future phase of the Integrated Plan to address the objectives of the Integrated Plan, as applied to all elements of the Integrated Plan; and

''(vi) for water supply projects—

''(I) provide a preliminary discussion of the means by which—

''(aa) water and costs associated with each recommended project would be allocated among authorized uses; and

''(bb) those allocations would be consistent with the objectives of the Integrated Plan; and

''(II) establish a plan for soliciting and formalizing subscriptions among individuals and entities for participation in any of the recommended water supply projects that will establish the terms for participation, including fiscal obligations associated with subscription.

''(b) FINANCING, CONSTRUCTION, OPERATION, AND MAINTENANCE OF KACHESS DROUGHT RELIEF PUMPING PLANT AND K TO K PIPELINE.—

''(1) AGREEMENTS.—Long-term agreements negotiated between the Secretary and participating proratable irrigation entities in the Yakima Basin for the non-Federal financing, construction, operation, and maintenance of the Drought Relief Pumping Plant and K to K Pipeline shall include provisions regarding—

''(A) responsibilities of the participating proratable irrigation entities for the planning, design, and construction of infrastructure in consultation and coordination with the Secretary;

''(B) property titles and responsibilities of the participating proratable irrigation entities for the maintenance of and liability for all infrastructure constructed under this title;

''(C) operation and integration of the projects by the Secretary in the operation of the Yakima Project;

''(D) costs associated with the design, financing, construction, operation, maintenance, and mitigation of projects, with the costs of Federal oversight and review to be nonreimbursable to the participating proratable irrigation entities and the Yakima Project; and

''(E) responsibilities for the pumping and operational costs necessary to provide the total water supply available made inaccessible due to drought pumping during the preceding 1 or more calendar years, in the event that the Kachess Reservoir fails to refill as a result of pumping drought storage water during the preceding 1 or more calendar years, which shall remain the responsibility of the participating proratable irrigation entities.

''(2) USE OF KACHESS RESERVOIR STORED WATER.—

''(A) IN GENERAL.—The additional stored water made available by the construction of facilities to access and deliver inactive storage in Kachess Reservoir under subsection (a)(2)(A)(ii)(I) shall—

''(i) be considered to be Yakima Project water;

''(ii) not be part of the total water supply available, as that term is defined in various court rulings; and

''(iii) be used exclusively by the Secretary—

''(I) to enhance the water supply in years when the total water supply available is not sufficient to provide 70 percent of proratable entitlements in order to make that additional water available up to 70 percent of proratable entitlements to the Kittitas Reclamation District, the Roza Irrigation District, or other proratable irrigation entities participating in the construction, operation, and maintenance costs of the facilities under this title under such terms and conditions to which the districts may agree, subject to the conditions that—

''(aa) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from Kachess Reservoir inactive storage to enhance applicable existing irrigation water supply in accordance with such terms and conditions to which the Bureau of Indian Affairs and the Yakama Nation may agree; and

''(bb) the additional supply made available under this clause shall be available to participating individuals and entities in proportion to the proratable entitlements of the participating individuals and entities, or in such other proportion as the participating entities may agree; and

''(II) to facilitate reservoir operations in the reach of the Yakima River between Keechelus Dam and Easton Dam for the propagation of anadromous fish.

''(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects (as in existence on the date of enactment of this section) any contract, law (including regulations) relating to repayment costs, water right, or Yakama Nation treaty right.

''(3) COMMENCEMENT.—The Secretary shall not commence entering into agreements pursuant to subsection (a)(2)(A)(ii) or subsection (b)(1) or implementing any activities pursuant to the agreements before the date on which—

''(A) all applicable and required feasibility studies, environmental reviews, and cost-benefit analyses have been completed and include favorable recommendations for further

project development, including an analysis of—

''(i) the impacts of the agreements and activities conducted pursuant to subsection (a)(2)(A)(ii) on adjacent communities, including potential fire hazards, water access for fire districts, community and homeowner wells, future water levels based on projected usage, recreational values, and property values; and

''(ii) specific options and measures for mitigating the impacts, as appropriate;

''(B) the Secretary has made the agreements and any applicable project designs, operations plans, and other documents available for public review and comment in the Federal Register for a period of not less than 60 days; and

''(C) the Secretary has made a determination, consistent with applicable law, that the agreements and activities to which the agreements relate—

''(i) are in the public interest; and

''(ii) could be implemented without significant adverse impacts to the environment.

''(4) ELECTRICAL POWER ASSOCIATED WITH KACHESS DROUGHT RELIEF PUMPING PLANT.—

''(A) IN GENERAL.—The Administrator of the Bonneville Power Administration, pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), shall provide to the Secretary project power to operate the Kachess Pumping Plant constructed under this title if inactive storage in Kachess Reservoir is needed to provide drought relief for irrigation, subject to the requirements of subparagraphs (B) and (C).

''(B) DETERMINATION.—Power may be provided under subparagraph (A) only if—

''(i) there is in effect a drought declaration issued by the State of Washington;

''(ii) there are conditions that have led to 70 percent or less water delivery to proratable irrigation districts, as determined by the Secretary; and

''(iii) the Secretary determines that it is appropriate to provide power under that subparagraph.

''(C) PERIOD OF AVAILABILITY.—Power under subparagraph (A) shall be provided until the date on which the Secretary determines that power should no longer be provided under that subparagraph, but for not more than a 1-year period or the period during which the Secretary determines that drought mitigation measures are necessary in the Yakima River basin.

''(D) RATE.—The Administrator of the Bonneville Power Administration shall provide power under subparagraph (A) at the then-applicable lowest Bonneville Power Administration rate for public body, cooperative, and Federal agency customers firm obligations, which as of the date of enactment of this section is the priority firm Tier 1 rate, and shall not include any irrigation discount.

''(E) LOCAL PROVIDER.—During any period in which power is not being provided under subparagraph (A), the power needed to operate the Kachess Pumping Plant shall be obtained by the Secretary from a local provider.

''(F) COSTS.—The cost of power for such pumping, station service power, and all costs of transmitting power from the Federal Columbia River Power System to the Yakima Enhancement Project pumping facilities shall be borne by irrigation districts receiving the benefits of that water.

''(G) DUTIES OF COMMISSIONER.—The Commissioner of Reclamation shall be responsible for arranging transmission for deliveries of Federal power over the Bonneville system through applicable tariff and business practice processes of the Bonneville system and for arranging transmission for deliveries of power obtained from a local provider.

''(c) DESIGN AND USE OF GROUNDWATER RECHARGE PROJECTS.—

''(1) IN GENERAL.—Any water supply that results from an aquifer storage and recovery project shall not be considered to be a part of the total water supply available if—

''(A) the water for the aquifer storage and recovery project would not be available for use, but instead for the development of the project;

''(B) the aquifer storage and recovery project will not otherwise impair any water supply available for any individual or entity entitled to use the total water supply available; and

''(C) the development of the aquifer storage and recovery project will not impair fish or other aquatic life in any localized stream reach.

''(2) PROJECT TYPES.—The Secretary may provide technical assistance for, and participate in, any of the following 3 types of groundwater recharge projects (including the incorporation of groundwater recharge projects into Yakima Project operations, as appropriate):

''(A) Aquifer recharge projects designed to redistribute Yakima Project water within a water year for the purposes of supplementing stream flow during the irrigation season, particularly during storage control, subject to the condition that if such a project is designed to supplement a mainstem reach, the water supply that results from the project shall be credited to instream flow targets, in lieu of using the total water supply available to meet those targets.

''(B) Aquifer storage and recovery projects that are designed, within a given water year or over multiple water years—

''(i) to supplement or mitigate for municipal uses;

''(ii) to supplement municipal supply in a subsurface aquifer; or

''(iii) to mitigate the effect of groundwater use on instream flow or senior water rights.

''(C) Aquifer storage and recovery projects designed to supplement existing irrigation water supply, or to store water in subsurface aquifers, for use by the Kittitas Reclamation District, the Roza Irrigation District, or any other proratable irrigation entity participating in the repayment of the construction, operation, and maintenance costs of the facilities under this section during years in which the total water supply available is insufficient to provide to those proratable irrigation entities all water to which the entities are entitled, subject to the conditions that—

''(i) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from aquifer storage to enhance applicable existing irrigation water supply in accordance with such terms and conditions to which the Bureau of Indian Affairs and the Yakama Nation may agree; and

''(ii) nothing in this subparagraph affects (as in existence on the date of enactment of this section) any contract, law (including regulations) relating to repayment costs, water right, or Yakama Nation treaty right.

''(d) FEDERAL COST-SHARE.—

''(1) IN GENERAL.—The Federal cost-share of a project carried out under this section shall be determined in accordance with the applicable laws (including regulations) and policies of the Bureau of Reclamation.

''(2) INITIAL PHASE.—The Federal cost-share for the initial development phase of the Integrated Plan shall not exceed 50 percent of the total cost of the initial development phase.

''(3) STATE AND OTHER CONTRIBUTIONS.—The Secretary may accept as part of the non-Federal cost-share of a project carried out under this section, and expend as if appropriated, any contribution (including in-kind services) by the State of Washington or any other individual or entity that the Secretary determines will enhance the conduct and completion of the project.

''(4) LIMITATION ON USE OF OTHER FEDERAL FUNDS.—Except as otherwise provided in this title, other Federal funds may not be used to provide the non-Federal cost-share of a project carried out under this section.

''(e) SAVINGS AND CONTINGENCIES.—Nothing in this section shall—

''(1) be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.);

''(2) affect any contract in existence on the date of enactment of the Yakima River Basin Water Enhancement Project Phase III Act of 2016 that was executed pursuant to the reclamation laws;

''(3) affect any contract or agreement between the Bureau of Indian Affairs and the Bureau of Reclamation;

''(4) affect, waive, abrogate, diminish, define, or interpret the treaty between the Yakama Nation and the United States; or

''(5) constrain the continued authority of the Secretary to provide fish passage in the Yakima Basin in accordance with the Hoover Power Plant Act of 1984 (43 U.S.C 619 et seq.).

''SEC. 1214. OPERATIONAL CONTROL OF WATER SUPPLIES.

''The Secretary shall retain authority and discretion over the management of project supplies to optimize operational use and flexibility to ensure compliance with all applicable Federal and State laws, treaty rights of the Yakama Nation, and legal obligations, including those contained in this Act. That authority and discretion includes the ability of the United States to store, deliver, conserve, and reuse water supplies deriving from projects authorized under this title.''.

PART IV—RESERVOIR OPERATION IMPROVEMENT

SEC. 6331. RESERVOIR OPERATION IMPROVEMENT.

(a) DEFINITIONS.—In this section:

(1) RESERVED WORKS.—The term ''reserved works'' means any Bureau of Reclamation project facility at which the Secretary of the Interior carries out the operation and maintenance of the project facility.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(3) TRANSFERRED WORKS.—The term ''transferred works'' means a Bureau of Reclamation project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(4) TRANSFERRED WORKS OPERATING ENTITY.—The term ''transferred works operating entity'' means the organization that is contractually responsible for operation and maintenance of transferred works.

(b) REPORT.—Not later than 360 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report including, for any State in which a county designated by the Secretary of Agriculture as a drought disaster area during water year 2015 is located, a list of projects, including Corps of Engineers projects, and those non-Federal projects and transferred works that are operated for flood control in accordance with rules prescribed by the Secretary pursuant to section 7 of the

Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 890, chapter 665), including, as applicable—

(1) the year the original water control manual was approved;

(2) the year for any subsequent revisions to the water control plan and manual of the project;

(3) a list of projects for which—

(A) operational deviations for drought contingency have been requested;

(B) the status of the request; and

(C) a description of how water conservation and water quality improvements were addressed; and

(4) a list of projects for which permanent or seasonal changes to storage allocations have been requested, and the status of the request.

(c) PROJECT IDENTIFICATION.—Not later than 60 days after the date of completion of the report under subsection (b), the Secretary shall identify any projects described in the report—

(1) for which the modification of the water operations manuals, including flood control rule curve, would be likely to enhance existing authorized project purposes, including for water supply benefits and flood control operations;

(2) for which the water control manual and hydrometeorological information establishing the flood control rule curves of the project have not been substantially revised during the 15-year period ending on the date of review by the Secretary; and

(3) for which the non-Federal sponsor or sponsors of a Corps of Engineers project, the owner of a non-Federal project, or the non-Federal transferred works operating entity, as applicable, has submitted to the Secretary a written request to revise water operations manuals, including flood control rule curves, based on the use of improved weather forecasting or run-off forecasting methods, new watershed data, changes to project operations, or structural improvements.

(d) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 1 year after the date of identification of projects under subsection (c), if any, the Secretary shall carry out not fewer than 15 pilot projects, which shall include not less than 6 non-Federal projects, to implement revisions of water operations manuals, including flood control rule curves, based on the best available science, which may include—

(A) forecast-informed operations;

(B) new watershed data; and

(C) if applicable, in the case of non-Federal projects, structural improvements.

(2) CONSULTATION.—In implementing a pilot project under this subsection, the Secretary shall consult with all affected interests, including—

(A) non-Federal entities responsible for operations and maintenance costs of a Federal facility;

(B) individuals and entities with storage entitlements; and

(C) local agencies with flood control responsibilities downstream of a facility.

(e) COORDINATION WITH NON-FEDERAL PROJECT ENTITIES.—If a project identified under subsection (c) is—

(1) a non-Federal project, the Secretary, prior to carrying out an activity under this section, shall—

(A) consult with the non-Federal project owner; and

(B) enter into a cooperative agreement, memorandum of understanding, or other agreement with the non-Federal project owner describing the scope and goals of the activity and the coordination among the parties; and

(2) a Federal project, the Secretary, prior to carrying out an activity under this section, shall—

(A) consult with each Federal and non-Federal entity (including a municipal water district, irrigation district, joint powers authority, transferred works operating entity, or other local governmental entity) that currently—

(i) manages (in whole or in part) a Federal dam or reservoir; or

(ii) is responsible for operations and maintenance costs; and

(B) enter into a cooperative agreement, memorandum of understanding, or other agreement with each such entity describing the scope and goals of the activity and the coordination among the parties.

(f) CONSIDERATION.—In designing and implementing a forecast-informed reservoir operations plan under subsection (d) or (g), the Secretary may consult with the appropriate agencies within the Department of the Interior and the Department of Commerce with expertise in atmospheric, meteorological, and hydrologic science to consider—

(1) the relationship between ocean and atmospheric conditions, including—

(A) the El Niño and La Niña cycles; and

(B) the potential for above-normal, normal, and below-normal rainfall for the coming water year, including consideration of atmospheric river forecasts;

(2) the precipitation and runoff index specific to the basin and watershed of the relevant dam or reservoir, including incorporating knowledge of hydrological and meteorological conditions that influence the timing and quantity of runoff;

(3) improved hydrologic forecasting for precipitation, snowpack, and soil moisture conditions;

(4) an adjustment of operational flood control rule curves to optimize water supply storage and reliability, hydropower production, environmental benefits for flows and temperature, and other authorized project benefits, without a reduction in flood safety; and

(5) proactive management in response to changes in forecasts.

(g) FUNDING.—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to fund all or a portion of the cost of carrying out a review or revision of operational documents, including water control plans, water control manuals, water control diagrams, release schedules, rule curves, operational agreements with non-Federal entities, and any associated environmental documentation for—

(1) a Corps of Engineers project;

(2) a non-Federal project regulated for flood control by the Secretary; or

(3) a Bureau of Reclamation transferred works regulated for flood control by the Secretary.

(h) EFFECT.—

(1) MANUAL REVISIONS.—A revision of a manual shall not interfere with the authorized purposes of a Federal project or the existing purposes of a non-Federal project regulated for flood control by the Secretary.

(2) EFFECT OF SECTION.—

(A) Nothing in this section authorizes the Secretary to carry out, at a Federal dam or reservoir, any project or activity for a purpose not otherwise authorized as of the date of enactment of this Act.

(B) Nothing in this section affects or modifies any obligation of the Secretary under State law.

(C) Nothing in this section affects or modifies any obligation to comply with any applicable Federal law.

(3) BUREAU OF RECLAMATION RESERVED WORKS EXCLUDED.—This section—

(A) shall not apply to any dam or reservoir operated by the Bureau of Reclamation as a reserved work, unless all non-Federal project sponsors of a reserved work jointly provide to the Secretary a written request for application of this section to the project; and

(B) shall apply only to Bureau of Reclamation transferred works at the written request of the transferred works operating entity.

(4) PRIOR STUDIES.—The Secretary shall—

(A) to the maximum extent practicable, coordinate the efforts of the Secretary in carrying out subsections (b), (c), and (d) with the efforts of the Secretary in completing—

(i) the report required under section 1046(a)(2)(A) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2319 note; Public Law 113–121); and

(ii) the updated report required under subsection (a)(2)(B) of that section; and

(B) if the reports are available before the date on which the Secretary carries out the actions described in subsections (b), (c), and (d), consider the findings of the reports described in clauses (i) and (ii) of subparagraph (A).

(i) MODIFICATIONS TO MANUALS AND CURVES.—Not later than 180 days after the date of completion of a modification to an operations manual or flood control rule curve, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the components of the forecast-based reservoir operations plan incorporated into the change.

PART V—HYDROELECTRIC PROJECTS

SEC. 6341. TERROR LAKE HYDROELECTRIC PROJECT UPPER HIDDEN BASIN DIVERSION AUTHORIZATION.

(a) DEFINITIONS.—In this section:

(1) TERROR LAKE HYDROELECTRIC PROJECT.—The term ''Terror Lake Hydroelectric Project'' means the project identified in section 1325 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3212), and which is Federal Energy Regulatory Commission project number 2743.

(2) UPPER HIDDEN BASIN DIVERSION EXPANSION.—The term ''Upper Hidden Basin Diversion Expansion'' means the expansion of the Terror Lake Hydroelectric Project as generally described in Exhibit E to the Upper Hidden Basin Grant Application dated July 2, 2014 and submitted to the Alaska Energy Authority Renewable Energy Fund Round VIII by Kodiak Electric Association, Inc.

(b) AUTHORIZATION.—The licensee for the Terror Lake Hydroelectric Project may occupy not more than 20 acres of Federal land to construct, operate, and maintain the Upper Hidden Basin Diversion Expansion without further authorization of the Secretary of the Interior or under the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(c) SAVINGS CLAUSE.—The Upper Hidden Basin Diversion Expansion shall be subject to appropriate terms and conditions included in an amendment to a license issued by the Federal Energy Regulatory Commission pursuant to the Federal Power Act (16 U.S.C. 791a et seq.), including section 4(e) of that Act (16 U.S.C. 797(e)), following an environmental review by the Commission under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 6342. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393 FOR THE MAHONEY LAKE HYDROELECTRIC PROJECT.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) LICENSE.—The term ''license'' means the license for Commission project number 11393.

(3) LICENSEE.—The term ''licensee'' means the holder of the license.

(b) STAY OF LICENSE.—On the request of the licensee, the Commission shall issue an order continuing the stay of the license.

(c) LIFTING OF STAY.—On the request of the licensee, but not later than 10 years after the date of enactment of this Act, the Commission shall—

(1) issue an order lifting the stay of the license under subsection (b); and

(2) make the effective date of the license the date on which the stay is lifted under paragraph (1).

(d) EXTENSION OF LICENSE.—On the request of the licensee and notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) for commencement of construction of the project subject to the license, the Commission shall, after reasonable notice and in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which the licensee is required to commence the construction of the project for not more than 3 consecutive 2-year periods, notwithstanding any other provision of law.

(e) EFFECT.—Nothing in this section prioritizes, or creates any advantage or disadvantage to, Commission project number 11393 under Federal law, including the Federal Power Act (16 U.S.C. 791a et seq.) or the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), as compared to—

(1) any electric generating facility in existence on the date of enactment of this Act; or

(2) any electric generating facility that may be examined, proposed, or developed during the period of any stay or extension of the license under this section.

SEC. 6343. EXTENSION OF DEADLINE FOR HYDROELECTRIC PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') project numbered 12642, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration date.

SEC. 6344. EXTENSION OF DEADLINE FOR CERTAIN OTHER HYDROELECTRIC PROJECTS.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') projects numbered 12737 and 12740, the Commission may, at the request of the licensee for the applicable project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence the construction of the applicable project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of a project described in subsection (a) has expired prior to the date of enactment of this Act—

(1) the Commission may reinstate the license for the applicable project effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration.

SEC. 6345. EQUUS BEDS DIVISION EXTENSION.

Section 10(h) of Public Law 86–787 (74 Stat. 1026; 120 Stat. 1474) is amended by striking ''10 years'' and inserting ''20 years''.

SEC. 6346. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CANNONSVILLE DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 13287, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence construction of the project for up to 4 consecutive 2-year periods after the required date of the commencement of construction described in Article 301 of the license.

(b) REINSTATEMENT OF EXPIRED LICENSE.—

(1) IN GENERAL.—If the required date of the commencement of construction described in subsection (a) has expired prior to the date of enactment of this Act, the Commission may reinstate the license effective as of that date of expiration.

(2) EXTENSION.—If the Commission reinstates the license under paragraph (1), the first extension authorized under subsection (a) shall take effect on the date of that expiration.

PART VI—PUMPED STORAGE HYDROPOWER COMPENSATION

SEC. 6351. PUMPED STORAGE HYDROPOWER COMPENSATION.

Not later than 180 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall initiate a proceeding to identify and determine the market, procurement, and cost recovery mechanisms that would—

(1) encourage development of pumped storage hydropower assets; and

(2) properly compensate those assets for the full range of services provided to the power grid, including—

(A) balancing electricity supply and demand;

(B) ensuring grid reliability; and

(C) cost-effectively integrating intermittent power sources into the grid.

SA 3235. Mr. WICKER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle I—Renewable Fuel Standard

SEC. 3801. SUNSET OF RENEWABLE FUEL STANDARD.

Section 211(o)(2) of the Clean Air Act (42 U.S.C. 7545(o)(2)) is amended by adding at the end the following:

''(C) SUNSET.—The authority provided by this paragraph terminates on December 31, 2022.''.

SEC. 3802. REGULATIONS.

Effective beginning on January 1, 2023, the regulations contained in subparts K and M of part 80 of title 40, Code of Federal Regulations (as in effect on that date), shall have no force or effect.

SA 3236. Mr. WYDEN (for himself, Mr. DURBIN, Mr. CASEY, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part IV of subtitle B of title III, add the following:

SEC. 3105. ENERGY TRAIN DATA COLLECTION.

The Administrator of the Energy Information Administration, in coordination with the Secretary of Transportation—

(1) shall collect information regarding—

(A) the volume of energy products transported by rail, including—

(i) petroleum crude oil;

(ii) ethanol;

(iii) liquefied natural gas; and

(iv) other energy products selected by the Administrator; and

(B) the origins and destinations of the energy products transported by rail described in subparagraph (A), including—

(i) energy products transported by rail within Petroleum Administration Defense Districts;

(ii) energy products transported by rail between Petroleum Administration Defense Districts;

(iii) energy products imported to the United States by rail from international origins; and

(iv) energy products exported from the United States by rail to international destinations;

(2) may collect additional information to carry out the purposes of this section from other sources, including—

(A) surveys conducted by the Administrator;

(B) information collected by the Department of Transportation;

(C) foreign governments; and

(D) third-party data; and

(3) shall make the information collected under paragraphs (1) and (2) available to the public on an Internet website that is updated monthly and does not aggregate the volume of energy products transported by rail with the volume of energy products transported by other modes of transportation.

SA 3237. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 31___. REPORT ON INCORPORATING INTERNET-BASED LEASE SALES.

Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report containing recommendations for the incorporation of Internet-based lease sales at the Bureau of Land Management in accordance with section 17(b)(1)(C) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(C)) in the event of an emergency or other disruption causing a disruption to a sale.

SA 3238. Mr. WYDEN (for himself, Mr. BENNET, Ms. CANTWELL, Mr. SCHUMER, Ms. STABENOW, Mr. MENENDEZ, Mr. CARPER, Mr. CARDIN, Mrs. MURRAY, Mr. DURBIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mrs. SHAHEEN, Mr. COONS, and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—INVESTING IN CLEAN ENERGY

SEC. 6001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Clean Energy Tax Credits

SEC. 6011. CLEAN ENERGY PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 45S. CLEAN ENERGY PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean energy production credit for any taxable year is an amount equal to the product of—

''(A) the applicable credit rate (as determined under paragraph (2)), multiplied by

''(B) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified facility, and

''(ii)(I) sold by the taxpayer to an unrelated person during the taxable year, or

''(II) in the case of a qualified facility which is equipped with a metering device which is owned and operated by an unrelated person, sold, consumed, or stored by the taxpayer during the taxable year.

''(2) APPLICABLE CREDIT RATE.—

''(A) IN GENERAL.—

''(i) MAXIMUM CREDIT RATE.—Except as provided in clause (ii), the applicable credit rate is 1.5 cents.

''(ii) REDUCTION OF CREDIT BASED ON GREENHOUSE GAS EMISSION RATE.—The applicable credit rate shall be reduced (but not below zero) by an amount which bears the same ratio to the amount in effect under clause (i) as the greenhouse gas emissions rate for the qualified facility bears to 372 grams of CO_2e per KWh.

''(B) ROUNDING.—If any amount determined under subparagraph (A)(ii) is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(b) GREENHOUSE GAS EMISSIONS RATE.—

''(1) IN GENERAL.—For purposes of this section, the term 'greenhouse gas emissions rate' means the amount of greenhouse gases emitted into the atmosphere by a qualified facility in the production of electricity, expressed as grams of CO_2e per KWh.

''(2) NON-FOSSIL FUEL COMBUSTION AND GASIFICATION.—In the case of a qualified facility which produces electricity through combustion or gasification of a non-fossil fuel, the greenhouse gas emissions rate for such facility shall be equal to the net rate of greenhouse gases emitted into the atmosphere by such facility in the production of electricity, expressed as grams of CO_2e per KWh.

''(3) ESTABLISHMENT OF SAFE HARBOR FOR QUALIFIED FACILITIES.—

''(A) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall, by regulation, establish safe-harbor greenhouse gas emissions rates for types or categories of qualified facilities, which a taxpayer may elect to use for purposes of this section.

''(B) ROUNDING.—In establishing the safe-harbor greenhouse gas emissions rates for qualified facilities, the Secretary may round such rates to the nearest multiple of 37.2 grams of CO_2e per KWh (or, in the case of a greenhouse gas emissions rate which is less than 18.6 grams of CO_2e per KWh, by rounding such rate to zero).

''(4) CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—For purposes of this subsection, the amount of greenhouse gases emitted into the atmosphere by a qualified facility in the production of electricity shall not include any qualified carbon dioxide (as defined in section 48E(c)(3)(A)) that is captured and disposed of by the taxpayer.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of a calendar year beginning after 2018, the 1.5 cent amount in clause (i) of subsection (a)(2)(A) shall be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale or use of the electricity occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) ANNUAL COMPUTATION.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor for such calendar year in accordance with this subsection.

''(3) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1992. The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.

''(d) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—Subject to paragraph (3), if the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States are equal to or less than 72 percent of the annual greenhouse gas emissions from electrical production in the United States for calendar year 2005, the amount of the clean energy production credit under subsection (a) for any qualified facility placed in service during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for a facility placed in service during the first calendar year following the calendar year in which the determination described in paragraph (1) is made, 75 percent,

''(B) for a facility placed in service during the second calendar year following such determination year, 50 percent,

''(C) for a facility placed in service during the third calendar year following such determination year, 25 percent, and

''(D) for a facility placed in service during any calendar year subsequent to the year described in subparagraph (C), 0 percent.

''(3) DEADLINE TO BEGIN PHASE-OUT.—If the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States for each year before calendar year 2026 are greater than the percentage specified in paragraph (1), then the determination described in such paragraph shall be deemed to have been made for calendar year 2025.

''(e) DEFINITIONS.—In this section:

''(1) CO_2e PER KWH.—The term 'CO_2e per KWh' means, with respect to any greenhouse gas, the equivalent carbon dioxide per kilowatt hour of electricity produced.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given such term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(3) QUALIFIED FACILITY.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the term 'qualified facility' means a facility which is—

''(i) used for the generation of electricity, and

''(ii) originally placed in service after December 31, 2017.

''(B) 10-YEAR PRODUCTION CREDIT.—For purposes of this section, a facility shall only be treated as a qualified facility during the 10-year period beginning on the date the facility was originally placed in service.

''(C) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—A qualified facility shall include either of the following in connection with a facility described in subparagraph (A)(i) that was previously placed in service, but only to the extent of the increased amount of electricity produced at the facility by reason of the following:

''(i) A new unit placed in service after December 31, 2017.

''(ii) Any efficiency improvements or additions of capacity placed in service after December 31, 2017.

''(D) COORDINATION WITH OTHER CREDITS.—The term 'qualified facility' shall not include any facility for which—

''(i) a renewable electricity production credit determined under section 45 is allowed under section 38 for the taxable year or any prior taxable year,

''(ii) an energy credit determined under section 48 is allowed under section 38 for the taxable year or any prior taxable year, or

''(iii) a clean energy investment credit determined under section 48E is allowed under section 38 for the taxable year or any prior taxable year.

''(f) FINAL GUIDANCE.—Not later than January 1, 2017, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue final guidance regarding implementation of this section, including calculation of greenhouse gas emission rates for qualified facilities and determination of clean energy production credits under this section.

''(g) SPECIAL RULES.—

''(1) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Consumption or sales shall be taken into account under this section only with respect to electricity the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) IN GENERAL.—For purposes of subsection (a)(1)(B), the kilowatt hours of electricity produced by a taxpayer at a qualified facility shall include any production in the form of useful thermal energy by any combined heat and power system property within such facility.

''(B) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of this paragraph, the term 'combined heat and power system property' has the same meaning given such term by section 48(c)(3) (without regard to subparagraphs (A)(iv), (B), and (D) thereof).

''(C) CONVERSION FROM BTU TO KWH.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the amount of kilowatt hours of electricity produced in the form of useful thermal energy shall be equal to the quotient of—

''(I) the total useful thermal energy produced by the combined heat and power system property within the qualified facility, divided by

''(II) the heat rate for such facility.

''(ii) HEAT RATE.—For purposes of this subparagraph, the term 'heat rate' means the amount of energy used by the qualified facility to generate 1 kilowatt hour of electricity, expressed as British thermal units per net kilowatt hour generated.

''(3) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a qualified facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(4) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.

''(5) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(6) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

''(ii) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

''(i) such reduction, over

''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter.

''(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section, the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended—

(A) in paragraph (35), by striking ''plus'' at the end,

(B) in paragraph (36), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(37) the clean energy production credit determined under section 45S(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45S. Clean energy production credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2017.

SEC. 6012. CLEAN ENERGY INVESTMENT CREDIT.

(a) BUSINESS CREDIT.—

(1) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48D the following new section:

''SEC. 48E. CLEAN ENERGY INVESTMENT CREDIT.

''(a) INVESTMENT CREDIT FOR QUALIFIED PROPERTY.—

''(1) IN GENERAL.—For purposes of section 46, the clean energy investment credit for any taxable year is an amount equal to the sum of—

''(A) the clean energy percentage of the qualified investment for such taxable year with respect to any qualified facility, plus

''(B) 30 percent of the qualified investment for such taxable year with respect to qualified carbon capture and sequestration equipment, plus

''(C) 30 percent of the qualified investment for such taxable year with respect to energy storage property.

''(2) CLEAN ENERGY PERCENTAGE.—

''(A) IN GENERAL.—

''(i) MAXIMUM PERCENTAGE.—Except as provided in clause (ii), the clean energy percentage is 30 percent.

''(ii) REDUCTION OF PERCENTAGE BASED ON GREENHOUSE GAS EMISSIONS RATE.—The clean energy percentage shall be reduced (but not below zero) by an amount which bears the same ratio to 30 percent as the anticipated greenhouse gas emissions rate for the qualified facility bears to 372 grams of CO_2e per KWh.

''(B) ROUNDING.—If any amount determined under subparagraph (A)(ii) is not a multiple of 1 percent, such amount shall be rounded to the nearest multiple of 1 percent.

''(3) COORDINATION WITH REHABILITATION CREDIT.—The clean energy percentage shall not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)).

''(b) QUALIFIED INVESTMENT WITH RESPECT TO ANY QUALIFIED FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a)(1)(A), the qualified investment with respect to any qualified facility for any taxable year is the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of a qualified facility.

''(2) QUALIFIED PROPERTY.—The term 'qualified property' means property—

''(A) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified facility,

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(C) which is constructed, reconstructed, erected, or acquired by the taxpayer, and

''(D) the original use of which commences with the taxpayer.

''(3) QUALIFIED FACILITY.—The term 'qualified facility' has the same meaning given such term by section 45S(e)(3) (without regard to subparagraphs (B) and (D) thereof). Such term shall not include any facility for which a renewable electricity production credit under section 45 or an energy credit determined under section 48 is allowed under section 38 for the taxable year or any prior taxable year.

''(c) QUALIFIED INVESTMENT WITH RESPECT TO QUALIFIED CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—

''(1) IN GENERAL.—For purposes of subsection (a)(1)(B), the qualified investment with respect to qualified carbon capture and sequestration equipment for any taxable year is the basis of any qualified carbon capture and sequestration equipment placed in service by the taxpayer during such taxable year.

''(2) QUALIFIED CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—The term 'qualified carbon capture and sequestration equipment' means property—

''(A) installed in a facility placed in service before January 1, 2018, which produces electricity,

''(B) which results in at least a 50 percent reduction in the carbon dioxide emissions rate at the facility, as compared to such rate before installation of such equipment, through the capture and disposal of qualified carbon dioxide (as defined in paragraph (3)(A)),

''(C) with respect to which depreciation is allowable,

''(D) which is constructed, reconstructed, erected, or acquired by the taxpayer, and

''(E) the original use of which commences with the taxpayer.

''(3) QUALIFIED CARBON DIOXIDE.—

''(A) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(i) would otherwise be released into the atmosphere as industrial emission of greenhouse gas,

''(ii) is measured at the source of capture and verified at the point of disposal or injection,

''(iii) is disposed of by the taxpayer in secure geological storage, and

''(iv) is captured and disposed of within the United States (within the meaning of section 638(1)) or a possession of the United States (within the meaning of section 638(2)).

''(B) SECURE GEOLOGICAL STORAGE.—The term 'secure geological storage' has the same meaning given to such term under section 45Q(d)(2).

''(d) QUALIFIED INVESTMENT WITH RESPECT TO ENERGY STORAGE PROPERTY.—

''(1) IN GENERAL.—For purposes of subsection (a)(1)(C), the qualified investment with respect to energy storage property for any taxable year is the basis of any energy storage property placed in service by the taxpayer during such taxable year.

''(2) ENERGY STORAGE PROPERTY.—The term 'energy storage property' means property—

''(A) installed at or near a facility which produces electricity,

''(B) which receives, stores, and delivers electricity or energy for conversion to electricity which is sold by the taxpayer to an unrelated person (or, in the case of a facility which is equipped with a metering device which is owned and operated by an unrelated person, sold or consumed by the taxpayer), which may include—

''(i) hydroelectric pumped storage,

''(ii) compressed air energy storage,

''(iii) regenerative fuel cells,

''(iv) batteries,

''(v) superconducting magnetic energy storage,

''(vi) thermal energy storage systems,

''(vii) fuel cells (as defined in section 48(c)(1)),

''(viii) any other relevant technology identified by the Secretary (in consultation with the Secretary of Energy), and

''(ix) any combination of the properties described in clauses (i) through (viii),

''(C) with respect to which depreciation is allowable,

''(D) which is constructed, reconstructed, erected, or acquired by the taxpayer,

''(E) the original use of which commences with the taxpayer, and

''(F) which is placed in service after December 31, 2017.

''(e) GREENHOUSE GAS EMISSIONS RATE.—

''(1) IN GENERAL.—For purposes of this section, the term 'greenhouse gas emissions rate' has the same meaning given such term under subsection (b) of section 45S.

''(2) ESTABLISHMENT OF SAFE HARBOR FOR QUALIFIED PROPERTY.—

''(A) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall, by regulation, establish safe-harbor greenhouse gas emissions rates for types or categories of qualified property which are part of a qualified facility, which a taxpayer may elect to use for purposes of this section.

''(B) ROUNDING.—In establishing the safe-harbor greenhouse gas emissions rates for qualified property, the Secretary may round such rates to the nearest multiple of 37.2 grams of CO_2e per KWh (or, in the case of a greenhouse gas emissions rate which is less than 18.6 grams of CO_2e per KWh, by rounding such rate to zero).

''(f) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsection (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

''(g) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—Subject to paragraph (3), if the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States are equal to or less than 72 percent of the annual greenhouse gas emissions from electrical production in the United States for calendar year 2005, the amount of the clean energy investment credit under subsection (a) for any qualified facility, qualified carbon capture and sequestration equipment, or energy storage property placed in service during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for a facility or property placed in service during the first calendar year following the calendar year in which the determination described in paragraph (1) is made, 75 percent,

''(B) for a facility or property placed in service during the second calendar year following such determination year, 50 percent,

''(C) for a facility or property placed in service during the third calendar year following such determination year, 25 percent, and

''(D) for a facility or property placed in service during any calendar year subsequent to the year described in subparagraph (C), 0 percent.

''(3) DEADLINE TO BEGIN PHASE-OUT.—If the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States for each year before calendar year 2026 are greater than the percentage specified in paragraph (1), then the determination described in such paragraph shall be deemed to have been made for calendar year 2025.

''(h) DEFINITIONS.—In this section:

''(1) CO_2e PER KWh.—The term 'CO_2e per KWh' has the same meaning given such term under section 45S(e)(1).

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given such term under section 45S(e)(2).

''(i) RECAPTURE OF CREDIT.—For purposes of section 50, if the Administrator of the Environmental Protection Agency determines that—

''(1) the greenhouse gas emissions rate for a qualified facility is significantly higher than the anticipated greenhouse gas emissions rate claimed by the taxpayer for purposes of the clean energy investment credit under this section, or

''(2) with respect to any qualified carbon capture and sequestration equipment installed in a facility, the carbon dioxide emissions from such facility cease to be captured or disposed of in a manner consistent with the requirements of subsection (c),

the facility or equipment shall cease to be investment credit property in the taxable year in which the determination is made.

''(j) FINAL GUIDANCE.—Not later than January 1, 2017, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue final guidance regarding implementation of this section, including calculation of greenhouse gas emission rates for qualified facilities and determination of clean energy investment credits under this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 46 is amended by inserting a comma at the end of paragraph (4), by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting '', and'', and by adding at the end the following new paragraph:

''(7) the clean energy investment credit.''.

(B) Section 49(a)(1)(C) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and inserting a comma, and by adding at the end the following new clauses:

''(vii) the basis of any qualified property which is part of a qualified facility under section 48E,

''(viii) the basis of any qualified carbon capture and sequestration equipment under section 48E, and

''(ix) the basis of any energy storage property under section 48E.''.

(C) Section 50(a)(2)(E) is amended by inserting ''or 48E(e)'' after ''section 48(b)''.

(D) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48D the following new item:

''48E. Clean energy investment credit.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2017, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(b) INDIVIDUAL CREDIT.—

(1) IN GENERAL.—Section 25D is amended to read as follows:

''SEC. 25D. CLEAN RESIDENTIAL ENERGY CREDIT.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(A) the clean energy percentage of the expenditures made by the taxpayer for qualified property which is—

''(i) installed in a dwelling unit which is located in the United States and used as a residence by the taxpayer, and

''(ii) placed in service during such taxable year, plus

''(B) 30 percent of the expenditures made by the taxpayer for energy storage property which is—

''(i) installed in a dwelling unit which is located in the United States and used as a residence by the taxpayer, and

''(ii) placed in service during such taxable year.

''(2) CLEAN ENERGY PERCENTAGE.—

''(A) IN GENERAL.—

''(i) MAXIMUM PERCENTAGE.—Except as provided in clause (ii), the clean energy percentage is 30 percent.

''(ii) REDUCTION OF PERCENTAGE BASED ON GREENHOUSE GAS EMISSIONS RATE.—The clean energy percentage shall be reduced (but not below zero) by an amount which bears the same ratio to 30 percent as the anticipated greenhouse gas emissions rate for the qualified property bears to 372 grams of CO_2e per KWh.

''(B) ROUNDING.—If any amount determined under subparagraph (A)(ii) is not a multiple of 1 percent, such amount shall be rounded to the nearest multiple of 1 percent.

''(C) DEFINITIONS.—For purposes of this section, the terms 'greenhouse gas emissions rate' and 'CO_2e per KWh' have the same

meanings given such terms under subsections (b) and (e)(1) of section 45S, respectively.

''(3) ESTABLISHMENT OF SAFE HARBOR FOR QUALIFIED PROPERTY.—

''(A) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall, by regulation, establish safe-harbor greenhouse gas emissions rates for types or categories of qualified property which are installed in a dwelling unit, which a taxpayer may elect to use for purposes of this section.

''(B) ROUNDING.—In establishing the safe-harbor greenhouse gas emissions rates for qualified property, the Secretary may round such rates to the nearest multiple of 37.2 grams of CO_2e per KWh (or, in the case of a greenhouse gas emissions rate which is less than 18.6 grams of CO_2e per KWh, by rounding such rate to zero).

''(b) QUALIFIED PROPERTY.—The term 'qualified property' means property—

''(1) which is tangible personal property,

''(2) which is used for the generation of electricity,

''(3) which is constructed, reconstructed, erected, or acquired by the taxpayer,

''(4) the original use of which commences with the taxpayer, and

''(5) which is originally placed in service after December 31, 2017.

''(c) ENERGY STORAGE PROPERTY.—The term 'energy storage property' means property which receives, stores, and delivers electricity or energy for conversion to electricity which is consumed by the taxpayer, which may include—

''(1) batteries,

''(2) thermal energy storage systems,

''(3) fuel cells,

''(4) any other relevant technology identified by the Secretary (in consultation with the Secretary of Energy), and

''(5) any combination of the properties described in paragraphs (1) through (4).

''(d) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(e) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—Subject to paragraph (3), if the Secretary determines that the annual greenhouse gas emissions from electrical production in the United States are equal to or less than the percentage specified in section 48E(g), the amount of the credit allowable under subsection (a) for any qualified property or energy storage property placed in service during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for property placed in service during the first calendar year following the calendar year in which the determination described in paragraph (1) is made, 75 percent,

''(B) for property placed in service during the second calendar year following such determination year, 50 percent,

''(C) for property placed in service during the third calendar year following such determination year, 25 percent, and

''(D) for property placed in service during any calendar year subsequent to the year described in subparagraph (C), 0 percent.

''(3) DEADLINE TO BEGIN PHASE-OUT.—If the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States for each year before calendar year 2026 are greater than the percentage specified in section 48E(g), then the determination described in paragraph (1) shall be deemed to have been made for calendar year 2025.

''(f) SPECIAL RULES.—For purposes of this section:

''(1) LABOR COSTS.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the qualified property or energy storage property and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made the individual's proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of a property is for nonbusiness purposes, only that portion of the expenditures for such property which is properly allocable to use for nonbusiness purposes shall be taken into account.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditures with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditures shall be reduced by the amount of the credit so allowed.

''(h) FINAL GUIDANCE.—Not later than January 1, 2017, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue final guidance regarding implementation of this section, including calculation of greenhouse gas emission rates for qualified property and determination of residential clean energy property credits under this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 45(d) is amended by striking ''Such term'' and all that follows through the period and inserting the following: ''Such term shall not include any facility with respect to which any expenditures for qualified property (as defined in subsection (b) of section 25D) which uses wind to produce electricity is taken into account in determining the credit under such section.''.

(B) Paragraph (34) of section 1016(a) is amended by striking ''section 25D(f)'' and inserting ''section 25D(h)''.

(C) The item relating to section 25D in the table of contents for subpart A of part IV of subchapter A of chapter 1 is amended to read as follows:

''Sec. 25D. Clean residential energy credit.''.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2017.

SEC. 6013. EXTENSIONS AND MODIFICATIONS OF VARIOUS ENERGY PROVISIONS.

(a) NONBUSINESS ENERGY PROPERTY.—

(1) IN GENERAL.—Paragraph (2) of section 25C(g) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2016.

(b) RESIDENTIAL ENERGY EFFICIENT PROPERTY.—

(1) IN GENERAL.—Subsection (g) of section 25D is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) ELIMINATION OF PHASEOUT.—Division P of the Consolidated Appropriations Act, 2016 (Pub. L. 114-113) is amended by striking section 304.

(c) ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 30C(g) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2016.

(d) 2- AND 3-WHEELED PLUG-IN ELECTRIC VEHICLES.—

(1) IN GENERAL.—Clause (ii) of section 30D(g)(E) is amended to read as follows:

''(ii) after December 31, 2016, and before January 1, 2018.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to vehicles acquired after December 31, 2016.

(e) ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.—

(1) IN GENERAL.—The following provisions of section 45(d) are each amended by striking ''January 1, 2017'' each place it appears and inserting ''January 1, 2018'':

(A) Paragraph (2)(A).

(B) Paragraph (3)(A).

(C) Paragraph (4)(B).

(D) Paragraph (6).

(E) Paragraph (7).

(F) Paragraph (9).

(G) Paragraph (11)(B).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2017.

(f) CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.—Section 45J(d)(1)(B) is amended by striking ''2021'' and inserting ''2018''.

(g) NEW ENERGY EFFICIENT HOME CREDIT.—

(1) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any qualified new energy efficient home acquired after December 31, 2016.

(h) REPEAL OF ENERGY EFFICIENT APPLIANCE CREDIT.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of subtitle A is amended by striking section 45M.

(2) CONFORMING AMENDMENTS.—

(A) Section 38(b) is amended by striking paragraph (24).

(B) The table of sections for subpart D of part IV of subchapter A of chapter 1 of subtitle A is amended by striking the item relating to section 45M.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(i) CREDIT FOR CARBON DIOXIDE SEQUESTRATION.—Section 45Q(c) is amended—

(1) in paragraph (2), by striking ''and'' at the end,

(2) in paragraph (3), by striking the period at the end and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(4) which is placed in service before January 1, 2018.''.

(j) ELIMINATION OF PHASEOUT OF CREDITS FOR WIND FACILITIES AND SOLAR ENERGY PROPERTY.—

(1) WIND FACILITIES.—

(A) IN GENERAL.—Paragraph (1) of section 45(d) is amended by striking ''January 1, 2020'' and inserting ''January 1, 2018''.

(B) PHASEOUT.—Subsection (b) of section 45 is amended by striking paragraph (5).

(C) QUALIFIED INVESTMENT CREDIT FACILITY.—

(i) IN GENERAL.—Section 48(a)(5)(C)(ii) is amended by striking ''January 1, 2017'' and all that follows through ''section 45(d))'' and inserting ''January 1, 2018''.

(ii) PHASEOUT.—Paragraph (5) of section 48(a) is amended by striking subparagraph (E).

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on January 1, 2017.

(2) SOLAR ENERGY PROPERTY.—

(A) IN GENERAL.—Subclause (II) of section 48(a)(2)(A)(i) is amended by striking ''property the construction of which begins before January 1, 2022'' and inserting ''periods ending before January 1, 2018''.

(B) PHASEOUT.—Subsection (a) of section 48 is amended by striking paragraph (6).

(C) CONFORMING AMENDMENT.—Subparagraph (A) of section 48(a)(2) is amended by striking ''Except as provided in paragraph (6), the energy percentage'' and inserting ''The energy percentage''.

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on January 1, 2017.

(k) ENERGY CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Section 48(a)(3)(A) is amended—

(A) in clause (i), by inserting ''but only with respect to periods ending before January 1, 2018'' after ''swimming pool,'', and

(B) in clause (ii), by striking ''January 1, 2017'' and inserting ''January 1, 2018''.

(2) GEOTHERMAL ENERGY PROPERTY.—Section 48(a)(3)(A)(iii) is amended by inserting ''with respect to periods ending before January 1, 2018, and'' after ''but only''.

(3) THERMAL ENERGY PROPERTY.—Section 48(a)(3)(A)(vii) is amended by striking ''January 1, 2017'' and inserting ''January 1, 2018''.

(4) QUALIFIED FUEL CELL PROPERTY.—Section 48(c)(1)(D) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(5) QUALIFIED MICROTURBINE PROPERTY.—Section 48(c)(2)(D) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(6) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48(c)(3)(A)(iv) is amended by striking ''January 1, 2017'' and inserting ''January 1, 2018''.

(7) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c)(4)(C) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(l) QUALIFYING ADVANCED ENERGY PROJECT CREDIT.—

(1) IN GENERAL.—Section 48C is amended—

(A) by redesignating subsection (e) as subsection (f), and

(B) by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL QUALIFYING ADVANCED ENERGY PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Secretary of Energy, shall establish an additional qualifying advanced energy project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program described in subparagraph (A) shall not exceed $5,000,000,000.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require during the 2-year period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 1 year from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 3 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period, then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying advanced energy projects to certify under this section, the Secretary shall consider the same criteria described in subsection (d)(3).

''(4) REVIEW AND REDISTRIBUTION.—

''(A) REVIEW.—Not later than 4 years after the date of enactment of this subsection, the Secretary shall review the credits allocated pursuant to this subsection as of such date.

''(B) REDISTRIBUTION.—The Secretary may reallocate credits awarded under this section if the Secretary determines that—

''(i) there is an insufficient quantity of qualifying applications for certification pending at the time of the review, or

''(ii) any certification made pursuant to paragraph (2) has been revoked pursuant to paragraph (2)(B) because the project subject to the certification has been delayed as a result of third party opposition or litigation to the proposed project.

''(C) REALLOCATION.—If the Secretary determines that credits under this section are available for reallocation pursuant to the requirements set forth in paragraph (2), the Secretary is authorized to conduct an additional program for applications for certification.

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(m) ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.—

(1) IN GENERAL.—Subsection (h) of section 179D is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2016.

Subtitle B—Clean Fuel Tax Credits

SEC. 6021. CLEAN FUEL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by section __01, is amended by adding at the end the following new section:

''SEC. 45T. CLEAN FUEL PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean fuel production credit for any taxable year is an amount equal to the product of—

''(A) $1.00 per energy equivalent of a gallon of gasoline with respect to any transportation fuel which is—

''(i) produced by the taxpayer at a qualified facility, and

''(ii) sold or used by the taxpayer in a manner described in paragraph (2), and

''(B) the emissions factor for such fuel (as determined under subsection (b)(2)).

''(2) SALE OR USE.—For purposes of paragraph (1)(A)(ii), the transportation fuel is sold or used in a manner described in this paragraph if such fuel is—

''(A) sold by the taxpayer to an unrelated person—

''(i) for use by such person in the production of a fuel mixture that will be used as a transportation fuel,

''(ii) for use by such person as a transportation fuel in a trade or business, or

''(iii) who sells such fuel at retail to another person and places such fuel in the fuel tank of such other person, or

''(B) used or sold by the taxpayer for any purpose described in subparagraph (A).

''(3) ROUNDING.—If any amount determined under paragraph (1) is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(b) EMISSIONS FACTORS.—

''(1) EMISSIONS FACTOR.—

''(A) IN GENERAL.—The emissions factor of a transportation fuel shall be an amount equal to the quotient of—

''(i) an amount (not less than zero) equal to—

''(I) 77.23, minus

''(II) the emissions rate for such fuel, divided by

''(ii) 77.23.

''(B) ESTABLISHMENT OF SAFE HARBOR EMISSIONS RATE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish the safe harbor emissions rate for similar types and categories of transportation fuels based on the amount of lifecycle greenhouse gas emissions (as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of the enactment of this section) for such fuels, expressed as kilograms of CO_2e per mmBTU, which a taxpayer may elect to use for purposes of this section.

''(C) ROUNDING OF SAFE HARBOR EMISSIONS RATE.—The Secretary may round the safe harbor emissions rates under subparagraph (B) to the nearest multiple of 7.723 kilograms of CO_2e per mmBTU, except that, in the case of an emissions rate that is less than 3.862 kilograms of CO_2e per mmBTU, the Secretary may round such rate to zero.

''(D) PROVISIONAL SAFE HARBOR EMISSIONS RATE.—

''(i) IN GENERAL.—In the case of any transportation fuel for which a safe harbor emissions rate has not been established by the Secretary, a taxpayer producing such fuel may file a petition with the Secretary for determination of the safe harbor emissions rate with respect to such fuel.

''(ii) ESTABLISHMENT OF PROVISIONAL AND FINAL SAFE HARBOR EMISSIONS RATE.—In the case of a transportation fuel for which a petition described in clause (i) has been filed, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall—

''(I) not later than 12 months after the date on which the petition was filed, provide a

provisional safe harbor emissions rate for such fuel which a taxpayer may use for purposes of this section, and

''(II) not later than 24 months after the date on which the petition was filed, establish the safe harbor emissions rate for such fuel.

''(E) ROUNDING.—If any amount determined under subparagraph (A) is not a multiple of 0.1, such amount shall be rounded to the nearest multiple of 0.1.

''(2) PUBLISHING SAFE HARBOR EMISSIONS RATE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall publish a table that sets forth the safe harbor emissions rate (as established pursuant to paragraph (1)) for similar types and categories of transportation fuels.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of calendar years beginning after 2018, the $1.00 amount in subsection (a)(1)(A) shall be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale or use of the transportation fuel occurs. If any amount as increased under the preceding sentence is not a multiple of 1 cent, such amount shall be rounded to the nearest multiple of 1 cent.

''(2) INFLATION ADJUSTMENT FACTOR.—For purposes of paragraph (1), the inflation adjustment factor shall be the inflation adjustment factor determined and published by the Secretary pursuant to section 45S(c), determined by substituting 'calendar year 2017' for 'calendar year 1992' in paragraph (3) thereof.

''(d) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—Subject to paragraph (3), if the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the greenhouse gas emissions from transportation fuel produced and sold at retail annually in the United States are equal to or less than 72 percent of the greenhouse gas emissions from transportation fuel produced and sold at retail in the United States during calendar year 2005, the amount of the clean fuel production credit under this section for any qualified facility placed in service during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for a facility placed in service during the first calendar year following the calendar year in which the determination described in paragraph (1) is made, 75 percent,

''(B) for a facility placed in service during the second calendar year following such determination year, 50 percent,

''(C) for a facility placed in service during the third calendar year following such determination year, 25 percent, and

''(D) for a facility placed in service during any calendar year subsequent to the year described in subparagraph (C), 0 percent.

''(3) DEADLINE TO BEGIN PHASE-OUT.—If the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the greenhouse gas emissions from transportation fuel produced and sold at retail annually in the United States are, for each year before calendar year 2026, greater than the percentage specified in paragraph (1), then the determination described in such paragraph shall be deemed to have been made for calendar year 2025.

''(e) DEFINITIONS.—In this section:

''(1) mmBTU.—The term 'mmBTU' means 1,000,000 British thermal units.

''(2) CO_2e.—The term 'CO_2e' means, with respect to any greenhouse gas, the equivalent carbon dioxide.

''(3) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given that term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(4) QUALIFIED FACILITY.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the term 'qualified facility' means a facility used for the production of transportation fuels.

''(B) 10-YEAR PRODUCTION CREDIT.—For purposes of this section, a facility shall only qualify as a qualified facility—

''(i) in the case of a facility that is originally placed in service after December 31, 2017, for the 10-year period beginning on the date such facility is placed in service, or

''(ii) in the case of a facility that is originally placed in service before January 1, 2018, for the 10-year period beginning on January 1, 2018.

''(5) TRANSPORTATION FUEL.—The term 'transportation fuel' means a fuel which is suitable for use as a fuel in a highway vehicle or aircraft.

''(f) FINAL GUIDANCE.—Not later than January 1, 2017, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue final guidance regarding implementation of this section, including calculation of emissions factors for transportation fuel, the table described in subsection (b)(2), and the determination of clean fuel production credits under this section.

''(g) SPECIAL RULES.—

''(1) ONLY REGISTERED PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—No clean fuel production credit shall be determined under subsection (a) with respect to any transportation fuel unless—

''(i) the taxpayer is registered as a producer of clean fuel under section 4101 at the time of production, and

''(ii) such fuel is produced in the United States.

''(B) UNITED STATES.—For purposes of this paragraph, the term 'United States' includes any possession of the United States.

''(2) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling fuel to an unrelated person if such fuel is sold to such a person by another member of such group.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(5) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

''(ii) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

''(i) such reduction, over

''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter.

''(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by section __01, is amended—

(A) in paragraph (36), by striking ''plus'' at the end,

(B) in paragraph (37), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(38) the clean fuel production credit determined under section 45T(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section __01, is amended by adding at the end the following new item:

''Sec. 45T. Clean fuel production credit.''.

(3) Section 4101(a)(1) is amended by inserting ''every person producing a fuel eligible for the clean fuel production credit (pursuant to section 45T),'' after ''section 6426(b)(4)(A)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transportation fuel produced after December 31, 2017.

SEC. 6022. TEMPORARY EXTENSION OF EXISTING FUEL INCENTIVES.

(a) SECOND GENERATION BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Section 40(b)(6) is amended—

(A) in subparagraph (E)(i)—

(i) in subclause (I), by striking ''and'' at the end,

(ii) in subclause (II), by striking the period at the end and inserting '', and'', and

(iii) by inserting at the end the following new subclause:

''(III) qualifies as a transportation fuel (as defined in section 45T(e)(5)).'', and

(B) in subparagraph (J)(i), by striking ''2017'' and inserting ''2018''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to qualified second generation biofuel production after December 31, 2016.

(b) BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—

(1) IN GENERAL.—Section 40A is amended—

(A) in subsection (f)(3)(B), by striking ''or D396'', and

(B) in subsection (g), by striking ''2016'' and inserting ''2017''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

(c) CREDIT FOR BIODIESEL AND ALTERNATIVE FUEL MIXTURES.—

(1) IN GENERAL.—Section 6426 is amended—

(A) in subsection (c)(6), by striking ''2016'' and inserting ''2017'',

(B) in subsection (d)—

(i) in paragraph (1), by striking ''motor vehicle'' and inserting ''highway vehicle'',

(ii) in paragraph (2)(D), by striking ''liquefied'', and

(iii) in paragraph (5), by striking ''2016'' and inserting ''2017'', and

(C) in subsection (e), by amending paragraph (3) to read as follows:

''(3) TERMINATION.—This subsection shall not apply to any sale or use for any period after—

''(A) in the case of any alternative fuel mixture sold or used by the taxpayer for the purposes described in subsection (d)(1), December 31, 2017,

''(B) in the case of any sale or use involving hydrogen that is not for the purposes described in subsection (d)(1), December 31, 2017, and

''(C) in the case of any sale or use not described in subparagraph (A) or (B), December 31, 2016.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

(d) BIODIESEL, BIODIESEL MIXTURES, AND ALTERNATIVE FUELS.—

(1) IN GENERAL.—Section 6427(e)(6) is amended—

(A) in subparagraph (B), by striking ''2016'' and inserting ''2017'', and

(B) in subparagraph (C), by striking ''2016'' and inserting ''2017''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

Subtitle C—Energy Efficiency Incentives

SEC. 6031. CREDIT FOR NEW ENERGY EFFICIENT RESIDENTIAL BUILDINGS.

(a) IN GENERAL.—Section 45L is amended to read as follows:

''SEC. 45L. NEW ENERGY EFFICIENT HOME CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, in the case of an eligible contractor, the new energy efficient home credit for the taxable year is the applicable amount for each qualified residence which is—

''(1) constructed by the eligible contractor, and

''(2) acquired by a person from such eligible contractor for use as a residence during the taxable year.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a), the applicable amount shall be an amount equal to $1,500 increased (but not above $3,000) by $100 for every 5 percentage points by which the efficiency ratio for the qualified residence is certified to be greater than 25 percent.

''(2) EFFICIENCY RATIO.—For purposes of this section, the efficiency ratio of a qualified residence shall be equal to the quotient, expressed as a percentage, obtained by dividing—

''(A) an amount equal to the difference between—

''(i) the annual level of energy consumption of the qualified residence, and

''(ii) the annual level of energy consumption of the baseline residence, by

''(B) the annual level of energy consumption of the baseline residence.

''(3) BASELINE RESIDENCE.—For purposes of this section, the baseline residence shall be a residence which is—

''(A) comparable to the qualified residence, and

''(B) constructed in accordance with the standards of the 2015 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Energy Innovation Act.

''(c) DEFINITIONS.—For purposes of this section:

''(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means—

''(A) the person who constructed the qualified residence, or

''(B) in the case of a qualified residence which is a manufactured home, the manufactured home producer of such residence.

''(2) QUALIFIED RESIDENCE.—The term 'qualified residence' means a dwelling unit—

''(A) located in the United States,

''(B) the construction of which is substantially completed after the date of the enactment of this section, and

''(C) which is certified to have an annual level of energy consumption that is less than the baseline residence and an efficiency ratio of not less than 25 percent.

''(3) CONSTRUCTION.—The term 'construction' does not include substantial reconstruction or rehabilitation.

''(d) CERTIFICATION.—

''(1) IN GENERAL.—A certification described in this section shall be made—

''(A) in accordance with guidance prescribed by, and

''(B) by a third-party that is accredited by a certification program approved by,

the Secretary, in consultation with the Secretary of Energy. Such guidance shall specify procedures and methods for calculating annual energy consumption levels, and shall include requirements to ensure the safe operation of energy efficiency improvements and that all improvements are installed according to the applicable standards of such certification program.

''(2) COMPUTER SOFTWARE.—

''(A) IN GENERAL.—Any calculation under paragraph (1) shall be prepared by qualified computer software.

''(B) QUALIFIED COMPUTER SOFTWARE.—For purposes of this paragraph, the term 'qualified computer software' means software—

''(i) for which the software designer has certified that the software meets all procedures and detailed methods for calculating energy consumption levels as required by the Secretary, and

''(ii) which provides such forms as required to be filed by the Secretary in connection with energy consumption levels and the credit allowed under this section.

''(e) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section in connection with any expenditure for any property (other than a qualified low-income building, as described in section 42(c)(2)), the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so determined.

''(f) COORDINATION WITH INVESTMENT CREDITS.—For purposes of this section, expenditures taken into account under section 25D or 47 shall not be taken into account under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any qualified residence acquired after December 31, 2017.

SEC. 6032. ENERGY EFFICIENCY CREDIT FOR EXISTING RESIDENTIAL BUILDINGS.

(a) IN GENERAL.—Section 25C is amended to read as follows:

''SEC. 25C. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO RESIDENTIAL BUILDINGS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

''(1) the applicable amount for the qualified residence based on energy efficiency improvements made by the taxpayer and placed in service during such taxable year, or

''(2) 30 percent of the amount paid or incurred by the taxpayer for energy efficiency improvements made to the qualified residence that were placed in service during such taxable year.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a)(1), the applicable amount shall be an amount equal to $1,750 increased (but not above $6,500) by $300 for every 5 percentage points by which the efficiency ratio for the qualified residence is certified to be greater than 20 percent.

''(2) EFFICIENCY RATIO.—For purposes of this section, the efficiency ratio of a qualified residence shall be equal to the quotient, expressed as a percentage, obtained by dividing—

''(A) an amount equal to the difference between—

''(i) the projected annual level of energy consumption of the qualified residence after the energy efficiency improvements have been placed in service, and

''(ii) the annual level of energy consumption of such qualified residence prior to the energy efficiency improvements being placed in service, by

''(B) the annual level of energy consumption described in subparagraph (A)(ii).

''(3) COORDINATION WITH CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.—For purposes of paragraph (2)(A), the determination of the difference in annual levels of energy consumption of the qualified residence shall not include any reduction in net energy consumption related to qualified property or energy storage property for which a credit was allowed under section 25D.

''(c) DEFINITIONS.—For purposes of this section:

''(1) QUALIFIED RESIDENCE.—The term 'qualified residence' means a dwelling unit—

''(A) located in the United States,

''(B) owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121), and

''(C) which is certified to have—

''(i) a projected annual level of energy consumption after the energy efficiency improvements have been placed in service that is less than the annual level of energy consumption prior to the energy efficiency improvements being placed in service, and

''(ii) an efficiency ratio of not less than 20 percent.

''(2) ENERGY EFFICIENCY IMPROVEMENTS.—

''(A) IN GENERAL.—The term 'energy efficiency improvements' means any property

installed on or in a dwelling unit which has been certified to reduce the level of energy consumption for such unit or to provide for onsite generation of electricity or useful thermal energy, provided that—

''(i) the original use of such property commences with the taxpayer, and

''(ii) such property reasonably can be expected to remain in use for at least 5 years.

''(B) AMOUNTS PAID OR INCURRED FOR ENERGY EFFICIENCY IMPROVEMENTS.—For purposes of subsection (a)(2), the amount paid or incurred by the taxpayer—

''(i) shall include expenditures for design and for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property, and

''(ii) shall not include any expenditures related to expansion of the building envelope.

''(d) SPECIAL RULES.—For purposes of this section:

''(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures for energy efficiency improvements of such corporation.

''(2) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made the individual's proportionate share of any expenditures for energy efficiency improvements of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(3) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of a property is for nonbusiness purposes, only that portion of the expenditures for energy efficiency improvements for such property which is properly allocable to use for nonbusiness purposes shall be taken into account.

''(e) CERTIFICATION.—

''(1) IN GENERAL.—A certification described in this section shall be made—

''(A) in accordance with guidance prescribed by, and

''(B) by a third-party that is accredited by a certification program approved by,

the Secretary, in consultation with the Secretary of Energy. Such guidance shall specify procedures and methods for calculating annual energy consumption levels, with such calculations to take into account onsite generation of electricity or useful thermal energy, and shall include requirements to ensure the safe operation of energy efficiency improvements and that all improvements are installed according to the applicable standards of such certification program.

''(2) COMPUTER SOFTWARE.—

''(A) IN GENERAL.—Any calculation under paragraph (1) shall be prepared by qualified computer software.

''(B) QUALIFIED COMPUTER SOFTWARE.—For purposes of this paragraph, the term 'qualified computer software' has the same meaning given such term under section 45L(d)(2).

''(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditures with respect to any energy efficiency improvements, the increase in the basis of such property which would (but for this subsection) result from such expenditures shall be reduced by the amount of the credit so allowed.

''(g) COORDINATION WITH INVESTMENT CREDITS.—For purposes of this section, expenditures taken into account under section 25D or 47 shall not be taken into account under this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 25C and inserting after the item relating to section 25B the following item:

''Sec. 25C. Credit for energy efficiency improvements to residential buildings.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any energy efficiency improvements placed in service after December 31, 2017.

SEC. 6033. DEDUCTION FOR NEW ENERGY EFFICIENT COMMERCIAL BUILDINGS.

(a) IN GENERAL.—Section 179D is amended to read as follows:

''SEC. 179D. ENERGY EFFICIENT COMMERCIAL BUILDING DEDUCTION.

''(a) IN GENERAL.—There shall be allowed as a deduction an amount equal to the applicable amount for each qualified building placed in service by the taxpayer during the taxable year.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a), the applicable amount shall be an amount equal to the product of—

''(A) the applicable dollar value, and

''(B) the square footage of the qualified building.

''(2) APPLICABLE DOLLAR VALUE.—For purposes of paragraph (1)(A), the applicable dollar value shall be an amount equal to $1.00 increased (but not above $4.75) by $0.25 for every 5 percentage points by which the efficiency ratio for the qualified building is certified to be greater than 25 percent.

''(3) EFFICIENCY RATIO.—For purposes of this section, the efficiency ratio of a qualified building shall be equal to the quotient, expressed as a percentage, obtained by dividing—

''(A) an amount equal to the difference between—

''(i) the annual level of energy consumption of the qualified building, and

''(ii) the annual level of energy consumption of the baseline building, by

''(B) the annual level of energy consumption of the baseline building.

''(4) BASELINE BUILDING.—For purposes of this section, the baseline building shall be a building which—

''(A) is comparable to the qualified building, and

''(B) meets the minimum requirements of Standard 90.1-2013 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America (as in effect on December 31, 2014).

''(c) QUALIFIED BUILDING.—The term 'qualified building' means a building—

''(1) located in the United States,

''(2) which is owned by the taxpayer, and

''(3) which is certified to have an annual level of energy consumption that is less than the baseline building and an efficiency ratio of not less than 25 percent.

''(d) ALLOCATION OF DEDUCTION.—

''(1) IN GENERAL.—In the case of a qualified building owned by an eligible entity, the Secretary shall promulgate regulations to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the owner of such property, with such person to be treated as the taxpayer for purposes of this section.

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means—

''(A) a Federal, State, or local government or a political subdivision thereof,

''(B) an Indian tribe (as defined in section 45A(c)(6)), or

''(C) an organization described in section 501(c) and exempt from tax under section 501(a).

''(e) BASIS ADJUSTMENT.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any qualified building, the basis of such property shall be reduced by the amount of the deduction so allowed.

''(f) CERTIFICATION.—

''(1) IN GENERAL.—A certification described in this section shall be made—

''(A) in accordance with guidance prescribed by, and

''(B) by a third-party that is accredited by a certification program approved by,

the Secretary, in consultation with the Secretary of Energy. Such guidance shall specify procedures and methods for calculating annual energy consumption levels, and shall include requirements to ensure the safe operation of energy efficiency improvements and that all improvements are installed according to the applicable standards of such certification program.

''(2) COMPUTER SOFTWARE.—

''(A) IN GENERAL.—Any calculation under paragraph (1) shall be prepared by qualified computer software.

''(B) QUALIFIED COMPUTER SOFTWARE.—For purposes of this paragraph, the term 'qualified computer software' means software—

''(i) for which the software designer has certified that the software meets all procedures and detailed methods for calculating energy consumption levels as required by the Secretary, and

''(ii) which provides such forms as required to be filed by the Secretary in connection with energy consumption levels and the deduction allowed under this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by striking the item relating to section 179D and inserting after the item relating to section 179C the following item:

''Sec. 179D. Energy efficient commercial building deduction.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified building placed in service after December 31, 2017.

SEC. 6034. ENERGY EFFICIENCY DEDUCTION FOR EXISTING COMMERCIAL BUILDINGS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 179E the following new section:

''SEC. 179F. DEDUCTION FOR ENERGY EFFICIENCY IMPROVEMENTS TO COMMERCIAL BUILDINGS.

''(a) IN GENERAL.—There shall be allowed as a deduction an amount equal to the lesser of—

''(1) the applicable amount for the qualified building based on energy efficiency improvements made by the taxpayer and placed in service during the taxable year, or

''(2) 30 percent of the amount paid or incurred by the taxpayer for energy efficiency improvements made to the qualified building which were placed in service during the taxable year.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a), the applicable amount shall be an amount equal to the product of—

''(A) the applicable dollar value, and

''(B) the square footage of the qualified building.

''(2) APPLICABLE DOLLAR VALUE.—For purposes of paragraph (1), the applicable dollar value shall be an amount equal to $1.25 increased (but not above $9.25) by $0.50 for every 5 percentage points by which the efficiency ratio for the qualified building is certified to be greater than 20 percent.

''(3) EFFICIENCY RATIO.—For purposes of this section, the efficiency ratio of a qualified building shall be equal to the quotient, expressed as a percentage, obtained by dividing—

''(A) an amount equal to the difference between—

''(i) the projected annual level of energy consumption of the qualified building after the energy efficiency improvements have been placed in service, and

''(ii) the annual level of energy consumption of such qualified building prior to the energy efficiency improvements being placed in service, by

''(B) the annual level of energy consumption described in subparagraph (A)(ii).

''(4) COORDINATION WITH CLEAN ENERGY INVESTMENT CREDIT.—For purposes of paragraph (3)(A), the determination of the difference in annual levels of energy consumption of the qualified building shall not include any reduction in net energy consumption related to qualified property or energy storage property for which a credit was allowed under section 48E.

''(c) DEFINITIONS.—

''(1) QUALIFIED BUILDING.—The term 'qualified building' means a building—

''(A) located in the United States,

''(B) which is owned by the taxpayer, and

''(C) which is certified to have—

''(i) a projected annual level of energy consumption after the energy efficiency improvements have been placed in service that is less than the annual level of energy consumption prior to the energy efficiency improvements being placed in service, and

''(ii) an efficiency ratio of not less than 20 percent.

''(2) ENERGY EFFICIENCY IMPROVEMENTS.—

''(A) IN GENERAL.—The term 'energy efficiency improvements' means any property installed on or in a qualified building which has been certified to reduce the level of energy consumption for such building or to increase onsite generation of electricity, provided that depreciation (or amortization in lieu of depreciation) is allowable with respect to such property.

''(B) AMOUNTS PAID OR INCURRED FOR ENERGY EFFICIENCY IMPROVEMENTS.—For purposes of subsection (a)(2), the amount paid or incurred by the taxpayer—

''(i) shall include expenditures for design and for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property, and

''(ii) shall not include any expenditures related to expansion of the building envelope.

''(d) CERTIFICATION.—

''(1) IN GENERAL.—A certification described in this section shall be made—

''(A) in accordance with guidance prescribed by, and

''(B) by a third-party that is accredited by a certification program approved by,

the Secretary, in consultation with the Secretary of Energy. Such guidance shall specify procedures and methods for calculating annual energy consumption levels, with such calculations to take into account onsite generation of electricity or useful thermal energy, and shall include requirements to ensure the safe operation of energy efficiency improvements and that all improvements are installed according to the applicable standards of such certification program.

''(2) COMPUTER SOFTWARE.—

''(A) IN GENERAL.—Any calculation under paragraph (1) shall be prepared by qualified computer software.

''(B) QUALIFIED COMPUTER SOFTWARE.—For purposes of this paragraph, the term 'qualified computer software' has the same meaning given such term under section 179D(f)(2).

''(e) ALLOCATION OF DEDUCTION.—

''(1) IN GENERAL.—In the case of a qualified building owned by an eligible entity, the Secretary shall promulgate regulations to allow the allocation of the deduction to the person primarily responsible for designing the energy efficiency improvements in lieu of the owner of such property, with such person to be treated as the taxpayer for purposes of this section.

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' has the same meaning given such term under section 179D(d)(2).

''(f) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any energy efficiency improvements, the basis of such property shall be reduced by the amount of the deduction so allowed.

''(g) COORDINATION WITH OTHER CREDITS.—For purposes of this section, expenditures taken into account under section 47 or 48E shall not be taken into account under this section.''.

(b) CONFORMING AMENDMENT.—

(1) Section 263(a) is amended—

(A) in subparagraph (K), by striking ''or'' at the end,

(B) in subparagraph (L), by striking the period and inserting '', or'', and

(C) by inserting at the end the following new subparagraph:

''(M) expenditures for which a deduction is allowed under section 179F.''.

(2) Section 312(k)(3)(B) is amended—

(A) in the heading, by striking ''OR 179E'' and inserting ''179E, OR 179F'', and

(B) by striking ''or 179E'' and inserting ''179E, or 179F''.

(3) Section 1016(a) is amended—

(A) in paragraph (36), by striking ''and'' at the end,

(B) in paragraph (37), by striking the period at the end and inserting '', and'', and

(C) by inserting at the end the following new paragraph:

''(38) to the extent provided in section 179D(f).''.

(4) Section 1245(a) is amended—

(A) in paragraph (2)(C), by inserting ''179F,'' after ''179E,'', and

(B) in paragraph (3)(C), by inserting ''179F,'' after ''179E,''.

(5) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179E the following new item:

''Sec. 179F. Deduction for energy efficiency improvements to commercial buildings.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any energy efficiency improvements placed in service after December 31, 2017.

Subtitle D—Clean Electricity and Fuel Bonds

SEC. 6041. CLEAN ENERGY BONDS.

(a) IN GENERAL.—Subpart J of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54BB. CLEAN ENERGY BONDS.

''(a) IN GENERAL.—If a taxpayer holds a clean energy bond on one or more interest payment dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—The amount of the credit determined under this subsection with respect to any interest payment date for a clean energy bond is 28 percent of the amount of interest payable by the issuer with respect to such date.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) CLEAN ENERGY BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'clean energy bond' means any bond issued as part of an issue if—

''(A) 100 percent of the excess of the available project proceeds (as defined in section 54A(e)(4)) of such issue over the amounts in a reasonably required reserve (within the meaning of section 150(a)(3)) with respect to such issue are to be used for capital expenditures incurred by an entity described in subparagraph (B) for 1 or more qualified facilities,

''(B) the bond is issued by—

''(i) a governmental body (as defined in paragraph (3) of section 54C(d)),

''(ii) a public power provider (as defined in paragraph (2) of such section), or

''(iii) a cooperative electric company (as defined in paragraph (4) of such section), and

''(C) the issuer makes an irrevocable election to have this section apply.

''(2) APPLICABLE RULES.—For purposes of applying paragraph (1)—

''(A) for purposes of section 149(b), a clean energy bond shall not be treated as federally guaranteed by reason of the credit allowed under subsection (a) or section 6433,

''(B) for purposes of section 148, the yield on a clean energy bond shall be determined without regard to the credit allowed under subsection (a), and

''(C) a bond shall not be treated as a clean energy bond if the issue price has more than a de minimis amount (determined under rules similar to the rules of section 1273(a)(3)) of premium over the stated principal amount of the bond.

''(3) QUALIFIED FACILITY.—The term 'qualified facility' means a facility—

''(A) which is described in subsection (e)(3) of section 45S and has a greenhouse gas emissions rate of less than 186 grams of CO_2e per KWh (as such terms are defined in subsections (b)(1) and (e)(1) of such section), or

''(B) which is described in subsection (e)(4) of section 45T and only produces transportation fuel which has an emissions rate of less than 38.62 kilograms of CO_2e per mmBTU (as such terms are defined in subsections (b) and (e) of such section).

''(e) INTEREST PAYMENT DATE.—For purposes of this section, the term 'interest payment date' means any date on which the holder of record of the clean energy bond is entitled to a payment of interest under such bond.

''(f) CREDIT PHASE OUT.—

''(1) ELECTRICAL PRODUCTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of a clean energy bond for

which the proceeds are used for capital expenditures incurred by an entity for a qualified facility described in subsection (d)(3)(A), if the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States are equal to or less than the percentage specified in section 45S(d)(1), the amount of the credit determined under subsection (b) with respect to any clean energy bond issued during a calendar year described in paragraph (3) shall be equal to the product of—

''(i) the amount determined under subsection (b) without regard to this subsection, multiplied by

''(ii) the phase-out percentage under paragraph (3).

''(B) DEADLINE TO BEGIN PHASE-OUT.—If the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from electrical production in the United States for each year before calendar year 2026 are greater than the percentage specified in section 45S(d)(1), then the determination described in subparagraph (A) shall be deemed to have been made for calendar year 2025.

''(2) FUEL PRODUCTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of a clean energy bond for which the proceeds are used for capital expenditures incurred by an entity for a qualified facility described in subsection (d)(3)(B), if the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from transportation fuel produced and sold at retail annually in the United States are equal to or less than the percentage specified in section 45T(d)(1), the amount of the credit determined under subsection (b) with respect to any clean energy bond issued during a calendar year described in paragraph (3) shall be equal to the product of—

''(i) the amount determined under subsection (b) without regard to this subsection, multiplied by

''(ii) the phase-out percentage under paragraph (3).

''(B) DEADLINE TO BEGIN PHASE-OUT.—If the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines that the annual greenhouse gas emissions from transportation fuel produced and sold at retail annually in the United States for each year before calendar year 2026 are greater than the percentage specified in section 45T(d)(1), then the determination described in subparagraph (A) shall be deemed to have been made for calendar year 2025.

''(3) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for any bond issued during the first calendar year following the calendar year in which the determination described in paragraph (1)(A) or (2)(A) is made, 75 percent,

''(B) for any bond issued during the second calendar year following such determination year, 50 percent,

''(C) for any bond issued during the third calendar year following such determination year, 25 percent, and

''(D) for any bond issued during any calendar year subsequent to the year described in subparagraph (C), 0 percent.

''(g) SPECIAL RULES.—

''(1) INTEREST ON CLEAN ENERGY BONDS INCLUDIBLE IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.—For purposes of this title, interest on any clean energy bond shall be includible in gross income.

''(2) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subsections (f), (g), (h), and (i) of section 54A shall apply for purposes of the credit allowed under subsection (a).

''(h) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section and section 6433.''.

(b) CREDIT FOR QUALIFIED CLEAN ENERGY BONDS ALLOWED TO ISSUER.—Subchapter B of chapter 65 of subtitle F is amended by adding at the end the following new section:

''SEC. 6433. CREDIT FOR QUALIFIED CLEAN ENERGY BONDS ALLOWED TO ISSUER.

''(a) IN GENERAL.—The issuer of a qualified clean energy bond shall be allowed a credit with respect to each interest payment under such bond which shall be payable by the Secretary as provided in subsection (b).

''(b) PAYMENT OF CREDIT.—

''(1) IN GENERAL.—The Secretary shall pay (contemporaneously with each interest payment date under such bond) to the issuer of such bond (or to any person who makes such interest payments on behalf of the issuer) 28 percent of the interest payable under such bond on such date.

''(2) INTEREST PAYMENT DATE.—For purposes of this subsection, the term 'interest payment date' means each date on which interest is payable by the issuer under the terms of the bond.

''(c) APPLICATION OF ARBITRAGE RULES.—For purposes of section 148, the yield on a qualified clean energy bond shall be reduced by the credit allowed under this section.

''(d) QUALIFIED CLEAN ENERGY BOND.—For purposes of this section, the term 'qualified clean energy bond' means a clean energy bond (as defined in section 54BB(d)) issued as part of an issue if the issuer, in lieu of any credit allowed under section 54BB(a) with respect to such bond, makes an irrevocable election to have this section apply.''.

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart J of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54BB. Clean energy bonds.''.

(2) The heading of such subpart (and the item relating to such subpart in the table of subparts for part IV of subchapter A of chapter 1) are each amended by striking ''**Build America Bonds**''and inserting ''**Build America Bonds and Clean Energy Bonds**''.

(3) The table of sections for subchapter B of chapter 65 of subtitle F is amended by adding at the end the following new item:

''Sec. 6433. Credit for qualified clean energy bonds allowed to issuer.''.

(4) Subparagraph (A) of section 6211(b)(4) is amended by striking ''and 6431'' and inserting ''6431, and 6433''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SA 3239. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IV, add the following:

SEC. 42___. NATIONAL SCIENCE AND TECHNOLOGY COUNCIL COORDINATING SUBCOMMITTEE FOR HIGH-ENERGY PHYSICS.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the National Science and Technology Council shall establish a subcommittee to coordinate Federal efforts relating to high-energy physics research (referred to in this section as the ''subcommittee'').

(b) PURPOSES.—The purposes of the subcommittee are—

(1) to maximize the efficiency and effectiveness of United States investment in high-energy physics; and

(2) to support a robust, internationally competitive United States high-energy physics program that includes—

(A) underground science and engineering research; and

(B) physical infrastructure.

(c) CO-CHAIRS.—The Director of the National Science Foundation and the Secretary shall serve as co-chairs of the subcommittee.

(d) RESPONSIBILITIES.—The responsibilities of the subcommittee shall be—

(1) to provide recommendations on planning for construction and stewardship of large facilities participating in high-energy physics;

(2) to provide recommendations on research coordination and collaboration among the programs and activities of Federal agencies;

(3) to establish goals and priorities for high-energy physics, underground science, and research and development that will strengthen United States competitiveness in high-energy physics;

(4) to propose methods for engagement with international, Federal, and State agencies and Federal laboratories not represented on the subcommittee to identify and reduce regulatory, logistical, and fiscal barriers that inhibit United States leadership in high-energy physics and related underground science; and

(5) to develop, and update once every 5 years, a strategic plan to guide Federal programs and activities in support of high-energy physics research.

(e) ANNUAL REPORT.—Annually, the subcommittee shall update Congress regarding—

(1) efforts taken in support of the strategic plan described in subsection (d)(5);

(2) an evaluation of the needs for maintaining United States leadership in high-energy physics; and

(3) identification of priorities in the area of high-energy physics.

(f) SUNSET.—The subcommittee shall terminate on the date that is 10 years after the date of enactment of this Act.

SA 3240. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

(C) by adding at the end the following new paragraph:

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any

amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action.''.

(2) CONFORMING AMENDMENT.—The heading for section 162(g) of such Code is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(2) REPORTING REQUIREMENTS.—Section 6041 of such Code is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SA 3241. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Sec. ____. Notwithstanding any other provisions of this Act, sections 2303, 3009 and 3017 shall have no force or effect.

SA 3242. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Sec. ____. Notwithstanding any other provisions of this Act, sections 1004, 2303, 3009 and 3017 shall have no force or effect.

SA 3243. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 34____. FEDERAL COAL LEASING PROGRAM.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal coal leasing program should be reviewed—

(A) to ensure that taxpayers receive a fair rate of return for Federal minerals;

(B) to provide appropriate transparency; and

(C) to ensure that management of Federal land and minerals is in the public interest;

(2) the responsible development of coal resources on Federal land provides an important source of jobs and revenue for States and local economies; and

(3) the review under paragraph (1) should be completed as soon as practicable after the date of enactment of this Act.

(b) ROYALTY POLICY COMMITTEE.—

(1) IN GENERAL.—To ensure consultation with key State, tribal, environmental, energy and Federal stakeholders, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall reestablish the Royalty Policy Committee (referred to in this subsection as the ''Committee'') in accordance with the charter of the Secretary of the Interior, dated March 26, 2010, as modified by this subsection.

(2) DUTIES.—The Committee shall—

(A) provide advice to the Secretary of the Interior, acting through the Director of the Office of Natural Resource Revenue, on the management of Federal and Indian mineral leases and revenues under the law governing the Department of the Interior;

(B) review and comment on revenue management and other mineral and energy-related policies; and

(C) provide a forum to convey views representative of mineral lessees, operators, revenue payers, revenue recipients, governmental agencies, and public interest groups.

(3) ADVISORY.—The duties of the Committee shall be solely advisory.

(4) MEETINGS.—The Committee shall meet at least once a year at the request of the Secretary of the Interior.

(5) DURATION.—The charter of the Committee may be renewed in 2-year increments by the Secretary of the Interior.

(6) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Interior shall appoint non-Federal members and alternates to the Committee for a term of up to 3 years.

(B) TERMS.—

(i) IN GENERAL.—The terms of non-Federal Committee members and alternates shall be staggered to preserve the integrity of the Committee.

(ii) TERMS.—Except as provided in clause (iii), the terms of new or reappointed non-Federal members of the Committee shall be 3 years.

(iii) SHORTER TERMS.—If a term of 3 years would result in more than ⅓ of the terms of the non-Federal members expiring in any year, appointments of non-Federal members may be extended for 1-year or 2-terms to provide continuity of the Committee.

(iv) MAXIMUM NUMBER OF YEARS.—

(I) IN GENERAL.—Subject to subclause (II), non-Federal members may not serve more than 6 consecutive years as a member of the Committee.

(II) REAPPOINTMENT.—After a 2-year break in service, any non-Federal member who have served 6 consecutive years shall be eligible for reappointment to the Committee.

(C) MEETINGS.—The Secretary of the Interior may revoke the appointment of a member of the Committee and the alternate if the appointed member or alternate fails to attend 2 or more consecutive meetings of the Committee.

(D) BALANCED REPRESENTATION.—Committee members shall be comprised of non-Federal and Federal members in order to ensure fair and balanced representation with consideration for the efficiency and fiscal economy of the Committee.

(E) DISCRETIONARY SERVICE.—All members of the Committee shall serve at the discretion of the Secretary of the Interior.

(F) NON-FEDERAL MEMBERS.—In appointing non-Federal members of the Committee, the Secretary of the Interior shall appoint up to—

(i) 5 members who represent States that receive over $10,000,000 annually in royalty revenues from Federal leases;

(ii) 5 members who represent Indian tribes;

(iii) 5 members who represent various mineral or energy interests; and

(iv) 5 members who represent public interest groups.

(G) FEDERAL MEMBERS.—The following officials, or their designees, shall be nonvoting, ex-officio members of the Committee:

(i) The Assistant Secretary of Indian Affairs

(ii) The Director of the Bureau of Land Management.

(iii) The Director of the Office of Natural Resources Revenue.

(7) SUBCOMMITTEES.—

(A) IN GENERAL.—Subject to the approval of the Secretary of the Interior and subparagraph (B), subcommittees or workgroups of the Committee may be formed for the purposes of compiling information or conducting research.

(B) ADMINISTRATION.—Subcommittees or workgroups of the Committee shall—

(i) act only under the direction of the Committee; and

(ii) report their recommendations to the full Committee for consideration.

(C) APPOINTMENT.—The Committee Chair, with the approval of the Secretary of the Interior, shall appoint subcommittee or workgroup members.

(D) MEETINGS.—Subcommittees and workgroups of the Committee shall meet as necessary to accomplish assignments, subject to the approval of the Secretary of the Interior and the availability of resources.

(c) EMERGENCY LEASING.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall amend section 3425.1-4 of title 43, Code of Federal Regulations and Secretarial Order 3338, dated January 15, 2016, to authorize earlier emergency leasing than is authorized under section 3425.1-4 of title 43, Code of Federal Regulations (as of the date of enactment of this Act).

(2) ADMINISTRATION.—In carrying out paragraph (1), the Secretary shall substitute ''4 years'' for ''3 years'' each place it appears in section 3425.1-4 of title 43, Code of Federal Regulations for the duration of the programmatic review of the Federal coal program and the limitations on the issuance of Federal coal leases described in Secretarial Order 3338.

SA 3244. Mr. MARKEY (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002–2007 PLANNING AREAS OF GULF OF MEXICO.

Section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note) is amended to read as follows:

''SEC. 105. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002–2007 PLANNING AREAS OF GULF OF MEXICO.

''Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(1) 87.5 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury, to be used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate; and

''(2) 12.5 percent of qualified outer Continental Shelf revenues in a special account in the Land and Water Conservation Fund established under section 200302 of title 54, United States Code, from which the Secretary shall disburse, without further appropriation, 100 percent to provide financial assistance to States in accordance with section 200305 of that title, which shall be considered income to the Land and Water Conservation Fund for purposes of section 200302 of that title.''.

SA 3245. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SEAWARD BOUNDARIES.

(a) IN GENERAL.—Section 4 of the Submerged Lands Act (43 U.S.C. 1312) is amended—

(1) in the first sentence, by striking ''The'' and inserting the following:

''(a) GENERAL RULE.—

''(1) IN GENERAL.—Except for the States described in subsection (b), the'';

(2) in the second sentence, by striking ''Any State'' and inserting the following:

''(2) EXTENSIONS.—Any State'';

(3) in the third sentence, by striking ''Any claim'' and inserting the following:

''(3) CLAIMS.—Any claim'';

(4) in the fourth sentence, by striking ''Nothing'' and inserting the following:

''(4) PRIOR APPROVAL.—Nothing''; and

(5) by adding at the end the following:

''(b) SEAWARD BOUNDARIES OF CERTAIN COASTAL STATES.—Subject to subsection (a), for management activities pursuant to the fishery management plan for the reef fish resources of the Gulf of Mexico or any amendment to such plan, the seaward boundary of each of the following States shall be a line 3 marine leagues distant from the coast line of the State as of the date that is 1 day before the date of enactment of this subsection:

''(1) Alabama.

''(2) Florida.

''(3) Louisiana.

''(4) Mississippi.''.

(b) CONFORMING AMENDMENTS.—Section 2 of the Submerged Lands Act (43 U.S.C. 1301) is amended—

(1) in subsection (a)(2), by inserting '', or 3 marine leagues distant from the coast line of a State described in section 4(b),'' after ''the coast line of each such State''; and

(2) in subsection (b)—

(A) by striking ''from the coast line'';

(B) by inserting ''from the coast line of a State, or more than 3 marine leagues from the coast line of a State described in section 4(b),'' after ''three geographical miles''; and

(C) by inserting ''from the coast line of a State, or more than 3 marine leagues from the coast line of a State described in section 4(b),'' after ''three marine leagues''.

SA 3246. Mr. ENZI (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—NATIONAL FOREST SYSTEM TRAIL MAINTENANCE

SEC. 6001. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE UNIT.—The term ''Administrative Unit'' means a national forest or national grassland.

(2) OUTFITTER OR GUIDE.—The term ''outfitter or guide'' means an individual, organization, or business who provides outfitting or guiding services, as defined in section 251.51 of title 36, Code of Federal Regulations.

(3) PARTNER.—The term ''partner'' means a non-Federal entity that engages in a partnership.

(4) PARTNERSHIP.—The term ''partnership'' means arrangements between the Department of Agriculture or the Forest Service and a non-Federal entity that are voluntary, mutually beneficial, and entered into for the purpose of mutually agreed upon objectives.

(5) PRIORITY AREA.—The term ''priority area'' means a well-defined region on National Forest System land selected by the Secretary under section 6003(a).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) STRATEGY.—The term ''strategy'' means the National Forest System Trails Volunteer and Partnership Strategy authorized by section 6002(a).

(8) TRAIL MAINTENANCE.—The term ''trail maintenance'' means any activity to maintain the usability and sustainability of trails within the National Forest System, including—

(A) ensuring trails are passable by the users for which they are managed;

(B) preventing environmental damage resulting from trail deterioration;

(C) protecting public safety; and

(D) averting future deferred maintenance costs.

(9) VOLUNTEER.—The term ''volunteer'' means an individual whose services are accepted by the Secretary without compensation under the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a et seq.).

SEC. 6002. NATIONAL FOREST SYSTEM TRAILS VOLUNTEER AND PARTNERSHIP STRATEGY.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in trail maintenance.

(b) REQUIRED ELEMENTS.—The strategy required by subsection (a) shall—

(1) augment and support the capabilities of Federal employees to carry out or contribute to trail maintenance;

(2) provide meaningful opportunities for volunteers and partners to carry out trail maintenance in each region of the Forest Service;

(3) address the barriers to increased volunteerism and partnerships in trail maintenance identified by volunteers, partners, and others;

(4) prioritize increased volunteerism and partnerships in trail maintenance in those regions with the most severe trail maintenance needs, and where trail maintenance backlogs are jeopardizing access to National Forest lands; and

(5) aim to increase trail maintenance by volunteers and partners by 100 percent by the date that is 5 years after the date of the enactment of this Act.

(c) ADDITIONAL REQUIREMENT.—As a component of the strategy, the Secretary shall study opportunities to improve trail maintenance by addressing opportunities to use fire crews in trail maintenance activities in a manner that does not jeopardize firefighting capabilities, public safety, or resource protection. Upon a determination that trail maintenance would be advanced by use of fire crews in trail maintenance, the Secretary shall incorporate these proposals into the strategy, subject to such terms and conditions as the Secretary determines to be necessary.

(d) VOLUNTEER LIABILITY.—

(1) IN GENERAL.—Section 3 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558c) is amended by adding at the end the following new subsection:

''(e) For the purposes of subsections (b), (c), and (d), the term 'volunteer' includes a person providing volunteer services to the Secretary who—

''(1) is recruited, trained, and supported by a cooperator under a mutual benefit agreement with the Secretary; and

''(2) performs such volunteer services under the supervision of the cooperator as directed by the Secretary in the mutual benefit agreement, including direction that specifies—

''(A) the volunteer services to be performed by the volunteers and the supervision to be provided by the cooperator;

''(B) the applicable project safety standards and protocols to be adhered to by the volunteers and enforced by the cooperator; and

''(C) the on-site visits to be made by the Secretary, when feasible, to verify that volunteers are performing the volunteer services and the cooperator is providing the supervision agreed upon.''.

(2) ADDITIONAL REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall adopt regulations implementing this section. These regulations shall ensure that the financial risk from claims or liability associated with volunteers undertaking trail maintenance is shared by all administrative units.

(e) CONSULTATION.—The Secretary shall develop the strategy in consultation with volunteer and partner trail maintenance organizations, a broad array of outdoor recreation stakeholders, and other relevant stakeholders.

(f) VOLUNTEER AND PARTNERSHIP COORDINATION.—The Secretary shall require each administrative unit to develop a volunteer and partner coordination implementation plan for the strategy which clearly defines roles and responsibilities for the administrative unit and district staff, and includes strategies to ensure sufficient coordination, assistance, and support for volunteers and partners to improve trail maintenance.

(g) REPORT.—

(1) CONTENTS.—The Secretary shall prepare a report on—

(A) the effectiveness of the strategy in addressing the trail maintenance backlog;

(B) the increase in volunteerism and partnership efforts on trail maintenance as a result of the strategy;

(C) the miles of National Forest System trails maintained by volunteers and partners, and the approximate value of the volunteer and partnership efforts;

(D) the status of the stewardship credits for outfitters and guides pilot program described in section 6005 that includes the number of participating sites, total amount of the credits offered, estimated value of trail maintenance performed, and suggestions for revising the program; and

(E) recommendations for further increasing volunteerism and partnerships in trail maintenance.

(2) SUBMISSION.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit the report required by paragraph (1) to—

(A) the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives.

SEC. 6003. PRIORITY TRAIL MAINTENANCE PROGRAM.

(a) SELECTION.—In accordance with subsections (b) and (c), not later than 6 months after the date of the enactment of this Act, the Secretary of Agriculture shall select no fewer than 9 and no more than 15 priority areas for increased trail maintenance accomplishments.

(b) CRITERIA.—Priority areas shall include a well-defined region on National Forest System land where the lack of trail maintenance has—

(1) reduced access to public land;

(2) led to an increase, or risk of increase, in harm to natural resources;

(3) jeopardized public safety;

(4) resulted in trails being impassible by the intended managed users; or

(5) increased future deferred trail maintenance costs.

(c) REQUIREMENTS.—In selecting priority areas, the Secretary shall—

(1) consider any public input on priority areas received within 3 months of the date of enactment of this Act;

(2) consider the range of trail users (including motorized and non-motorized trail users); and

(3) include at least one priority area in each region of the United States Forest Service.

(d) INCREASED TRAIL MAINTENANCE.—

(1) IN GENERAL.—Within 6 months of the selection of priority areas under subsection (a), and in accordance with paragraph (2), the Secretary shall develop an approach to substantially increase trail maintenance accomplishments within each priority area.

(2) CONTENTS.—In developing the approach under paragraph (1), the Secretary shall—

(A) consider any public input on trail maintenance priorities and needs within any priority area;

(B) consider the costs and benefits of increased trail maintenance within each priority area; and

(C) incorporate partners and volunteers in the trail maintenance.

(3) REQUIRED TRAIL MAINTENANCE.—Utilizing the approach developed under paragraph (1), the Secretary shall substantially increase trail maintenance within each priority area.

(e) COORDINATION.—The regional volunteer and partnership coordinators may be responsible for assisting partner organizations in developing and implementing volunteer and partnership projects to increase trail maintenance within priority areas.

(f) REVISION.—The Secretary shall periodically review the priority areas to determine whether revisions are necessary and may revise the priority areas, including the selection of new priority areas or removal of existing priority areas, at his sole discretion.

SEC. 6004. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into a cooperative agreement with any State, tribal, local governmental, and private entity to carry out this title.

(b) CONTENTS.—Cooperative agreements authorized under this section may—

(1) improve trail maintenance in a priority area;

(2) implement the strategy; or

(3) advance trail maintenance in a manner deemed appropriate by the Secretary.

SEC. 6005. STEWARDSHIP CREDITS FOR OUTFITTERS AND GUIDES.

(a) PILOT PROGRAM.—Within 1 year after the date of enactment of this Act, in accordance with this section, the Secretary shall establish a pilot program on not less than 20 administrative units to offset all or part of the land use fee for an outfitting and guiding permit by the cost of the work performed by the permit holder to construct, improve, or maintain National Forest System trails, trailheads, or developed sites that support public use under terms established by the Secretary.

(b) ADDITIONAL REQUIREMENTS.—In establishing the pilot program authorized by subsection (a), the Secretary shall—

(1) select administrative units where the pilot program will improve trail maintenance; and

(2) establish appropriate terms and conditions, including meeting National Quality Standards for Trails and the Trail Management Objectives identified for the trail.

SA 3247. Ms. STABENOW (for herself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

Subtitle I—Prevention and Protection From Lead Exposure

SEC. 4801. DRINKING WATER INFRASTRUCTURE.

Part B of the Safe Drinking Water Act (42 U.S.C. 300g et seq.) is amended by adding at the end the following:

"SEC. 1420A. LEAD PREVENTION GRANT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CITY.—The term 'City' means the City of Flint, Michigan.

''(2) STATE.—The term 'State' means the State of Michigan.

''(b) GRANT PROGRAM.—

''(1) ESTABLISHMENT.—Using funds made available under section 4805(a) of the Energy Policy Modernization Act of 2016, the Administrator shall make grants to the State and the City for use in accordance with this subsection.

''(2) USE OF FUNDS.—The use of funds from a grant made under this subsection shall be—

''(A) determined by the Administrator, in consultation with the State and the City; and

''(B) used only for an activity authorized under paragraph (3).

''(3) AUTHORIZED ACTIVITIES.—

''(A) IN GENERAL.—The Administrator may authorize the use by the State or the City of funds from a grant under this subsection to carry out any activity that the Administrator determines is necessary to ensure that the drinking water supply of the City does not contain—

''(i) lead levels that threaten public health or the environment; or

''(ii) lead, other drinking water contaminants, and pathogens that pose a threat to public health.

''(B) INCLUSIONS.—Authorized activities under subparagraph (A) may include—

''(i) testing, evaluation, and sampling of public and private water service lines in the water distribution system of the City;

''(ii) repairs and upgrades to water treatment facilities that serve the City;

''(iii) optimization of corrosion control treatment of the public and private water service lines in the water distribution system of the City;

''(iv) repairs to water mains and replacement of public and private water service lines in the water distribution system of the City; and

''(v) modification or construction of new pipelines and treatment system startup evaluations needed to ensure optimal treatment of water from the Karegnondi Water Authority before and after the transition to this new source.

''(4) MATCHING REQUIREMENT.—As a condition of the State or the City receiving a grant under this subsection, the Administrator shall require the State to provide funds from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

''(5) RELATIONSHIP TO OTHER REQUIREMENTS.—Unless explicitly waived, the requirements of section 1450(e) apply to funding made available under this subsection.

''(c) ADMINISTRATION.—The Administrator may use funds made available under section 4805(a) of the Energy Policy Modernization Act of 2016—

''(1) for the costs of technical assistance provided by the Environmental Protection Agency or by contractors of the Environmental Protection Agency; and

''(2) for administrative activities in support of authorized activities.

''(d) REPORT.—Not later than 45 days after the first day of each of fiscal years 2017, 2018, 2019, 2020, and 2021, the Administrator shall submit to the Committee on Appropriations of the Senate, the Committee on Environment and Public Works of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the actions taken to carry out the purposes of the grant program, as described in subsection (b)(3).

''(e) SUNSET.—The authority provided by this section terminates on March 1, 2021.''.

SEC. 4802. LOAN FORGIVENESS.

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, that in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of being notified by the primary agency of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.''.

(b) CONFORMING AMENDMENTS.—Section 1414 (c) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (3)(B), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means the Center of Excellence on Lead Exposure established under subsection (b).

(2) CITY.—The term ''City'' means the City of Flint, Michigan.

(3) COMMUNITY.—The term ''community'' means the community of the City.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means the State of Michigan.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by contract, grant, or cooperative agreement, establish in the City a center to be known as the ''Center of Excellence on Lead Exposure''.

(c) COLLABORATION.—The Center shall collaborate with research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, public health agencies of Genesee County in the State, and the State in the development and operation of the Center.

(d) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

(A) an epidemiologist;

(B) a toxicologist;

(C) a mental health professional;

(D) a pediatrician;

(E) an early childhood education expert;

(F) a special education expert;

(G) a dietician;

(H) an environmental health expert; and

(I) 2 community representatives.

(2) APPLICATION OF FACA.—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) RESPONSIBILITIES.—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring for City residents who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Conduct research on physical, behavioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Develop lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Conduct education and outreach efforts for the City, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct regular meetings in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Biannually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or with the Center; and

(3) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

SEC. 4805. FUNDING.

(a) LEAD PREVENTION GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 5 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Environmental Protection Agency to carry out section 1420A of the Safe Drinking Water Act (as added by section 4801) $400,000,000, to remain available until March 1, 2021.

(2) RECEIPT AND ACCEPTANCE.—The Administrator of the Environmental Protection Agency shall be entitled to receive, shall accept, and shall use to carry out section 1420A of the Safe Drinking Water Act (as added by section 4801) the funds transferred under paragraph (1), without further appropriation.

(3) REVERSION OF FUNDS.—Any funds transferred under paragraph (1) that are unobligated as of March 1, 2021, shall revert to the general fund of the Treasury.

(b) CENTER OF EXCELLENCE ON LEAD EXPOSURE.—

(1) IN GENERAL.—On October 1, 2016, and on each October 1 thereafter through October 1, 2025, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Health and Human Services to carry out section 4804 $20,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Health and Human Services shall be entitled to receive, shall accept, and shall use to carry out section 4804 the funds transferred under paragraph (1), without further appropriation.

SEC. 4806. EMERGENCY DESIGNATION.

(a) IN GENERAL.—This subtitle and the amendments made by this subtitle are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this subtitle and the amendments made by this subtitle are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 3248. Ms. STABENOW (for herself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

Subtitle I—Prevention of and Protection From Lead Exposure

SEC. 4801. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE STATE.—The term ''eligible State'' means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(3) ELIGIBLE SYSTEM.—The term ''eligible system'' means a public drinking water supply system that is the subject of an emergency declaration referred to in paragraph (2).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under that Act (42 U.S.C. 300f et seq.), including forgiveness of principal under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)).

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (f)(1), an eligible State may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(B) INCLUSION.—Assistance under subparagraph (A) may include additional subsidization under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), as described in paragraph (1)(B).

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided under subsection (f)(1)(A); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—Using funds provided under subsection (f)(2), the Administrator may make a secured loan to an eligible State to carry out a project to address lead or other contaminants in drinking water in an eligible system.

(B) AMOUNT.—Notwithstanding section 5029(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(2)), the amount of a secured loan provided under subparagraph (A) may be equal to not more than 80 percent of the reasonably anticipated costs of the projects.

(2) FEDERAL INVOLVEMENT.—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(9)), any costs for a project to address lead or other contaminants in drinking water in an eligible system that are not covered by a secured loan under paragraph (1) may be covered using amounts in the State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) ASSET MANAGEMENT PLAN.—Any individual or entity that carries out construction of infrastructure using assistance provided under this section shall develop and implement, in consultation with the Administrator and appropriate officials of the applicable eligible State, a strategic and systematic process of operating, maintaining, and improving affected physical assets, with a focus on engineering and economic analysis based on quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair during the lifecycle of the assets at minimum practicable cost.

(e) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(f) FUNDING.—

(1) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall make available to the Administrator $200,000,000, to remain available for obligation for 1 year after the date on which the amounts are made available, to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for fiscal year 2016 for the purposes described in subsection (b)(2).

(B) SUPPLEMENTED INTENDED USE PLANS.—The Administrator shall disburse to an eligible State amounts made available under subparagraph (A) by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(iii) the estimated cost of the project; and

(iv) the projected start date for construction of the project.

(C) UNOBLIGATED AMOUNTS.—Any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 1 year after the date on which the amounts are made available shall be available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(D) APPLICABILITY.—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplement to an intended use plan under subparagraph (B).

(2) WIFIA FUNDING.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Treasury shall make available to the Administrator $60,000,000 to provide credit subsidies, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) in an amount equal to not more than $600,000,000 to eligible States under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(B) DEADLINE.—The Administrator, in consultation with the Director of the Office of Management and Budget, shall provide to an eligible State a secured loan under subparagraph (A) by not later than 60 days after the date of receipt of a loan application from the eligible State.

(C) USE.—Secured loans provided pursuant to subparagraph (A) shall be available to carry out activities to address lead and other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(D) EXCESS AMOUNTS.—If the Administrator determines, in fiscal year 2020 or any fiscal year thereafter, that an amount less than $60,000,000 for credit subsidies is required to issue secured loans under subparagraph (A) for the fiscal year, the excess amount made available under this paragraph for that fiscal year shall be transferred to the Leaking Underground Storage Tank Trust Fund established by section 9508(a) of the Internal Revenue Code of 1986.

(3) APPLICABILITY.—Unless explicitly waived, all requirements under section 1450(e) of the Safe Drinking Water Act (42 U.S.C.300j–9(e)) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(g) HEALTH EFFECTS EVALUATION, FLINT, MICHIGAN.—

(1) IN GENERAL.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall in coordination with other agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water in the City of Flint, Michigan.

(2) CONSULTATIONS.—Pursuant to section 104(i)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(4)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall provide consultations regarding health issues described in paragraph (1).

(h) OFFSET.—

(1) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL TRANSFER.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated $260,000,000 to be transferred to the Administrator of the Environmental Protection Agency for purposes of making expenditures described in section 4801 of the Energy Policy Modernization Act of 2016.''.

(2) CONFORMING AMENDMENT.—Section 9508(c)(1) of such Code is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2), (3), and (4)''.

SEC. 4802. LOAN FORGIVENESS.

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) Notice of any exceedance of a lead action level or any other prescribed level of

lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of being notified by the primary agency of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.''.

(b) CONFORMING AMENDMENTS.—Section 1414 (c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (3)(B), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means the Center of Excellence on Lead Exposure established under subsection (b).

(2) CITY.—The term ''City'' means a City that has been exposed to lead through a water system or other source.

(3) COMMUNITY.—The term ''community'' means the community of the City.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means a State containing a City that has been exposed to lead through a water system or other source.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by contract, grant, or cooperative agreement, establish in the City a center to be known as the ''Center of Excellence on Lead Exposure''.

(c) COLLABORATION.—The Center shall collaborate with relevant Federal agencies, research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, and State and local public health agencies in the development and operation of the Center.

(d) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

(A) an epidemiologist;

(B) a toxicologist;

(C) a mental health professional;

(D) a pediatrician;

(E) an early childhood education expert;

(F) a special education expert;

(G) a dietician;

(H) an environmental health expert; and

(I) 2 community representatives.

(2) APPLICATION OF FACA.—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) RESPONSIBILITIES.—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents on a voluntary basis about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring on a voluntary basis for City residents who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Without duplicating other Federal research efforts, conduct or recommend that the Secretary conduct or support through a grant or contract research on physical, behavioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Without duplicating other Federal efforts, develop or recommend that the Secretary develop or support the development of, through a grant or contract, lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Without duplicating other Federal efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, education and outreach efforts for the City and State, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct at least 2 meetings annually in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Annually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or in connection with the Center;

(3) describing any mitigation tools used or developed by the Center including outcomes; and

(4) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

(g) FUNDING.—

(1) MANDATORY FUNDING.—

(A) IN GENERAL.—On October 1, 2016, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $20,000,000, to remain available until expended.

(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

(3) OFFSET.—

(A) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986, as amended by section 4801, is amended by adding at the end the following new paragraph:

''(5) ADDITIONAL TRANSFER TO HHS.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated to be transferred to the Secretary of Health and Human Services $20,000,000 on October 1, 2016, for purposes of making expenditures to carry out the requirements of section 4804 of the Energy Policy Modernization Act of 2016.''.

(B) CONFORMING AMENDMENT.—Section 9508(c)(1) of such Code, as amended by section 4801, is amended by striking ''and (4)'' and inserting ''(4), and (5)''.

SEC. 4805. GAO REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of

any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

(b) REVIEW.—Not later than 30 days after the completion of the investigations described in subsection (a), the Comptroller General of the United States shall commence a review of issues that are not addressed by the investigations and relating to—

(1) the adequacy of the response by the State of Michigan and the City of Flint to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response, as well as the capacity of the State and City to manage the drinking water system; and

(2) the adequacy of the response by Region 5 of the Environmental Protection Agency to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response.

(c) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (b), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to take any actions to prevent a similar situation in the future and to protect public health.

Subtitle J—Contamination on Transferred Land

SEC. 4901. RESPONSE ACTIONS ON ALASKA NATIVE CLAIMS CONVEYANCES.

Section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620) is amended by adding at the end the following:

''(k) ALASKA NATIVE CLAIMS CONVEYANCES.—

''(1) DEFINITIONS.—In this subsection:

''(A) HAZARDOUS SUBSTANCE.—In addition to the substances included in the definition of the term in section 101(14), the term 'hazardous substance' includes petroleum (including crude oil or any fraction thereof), natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

''(B) NATIVE CORPORATION.—The term 'Native Corporation' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S. 1602).

''(2) OBLIGATION TO TAKE RESPONSE ACTION.—

''(A) IN GENERAL.—The United States shall be responsible for taking all response actions necessary to ensure the protection of human health and the environment with regard to the release or threatened release of any hazardous substance on land conveyed to a Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) prior to the date of enactment of this subsection.

''(B) REQUIREMENT.—All response actions shall be taken consistent with this Act and the National Oil and Hazardous Substances Pollution Contingency Plan described in part 300 of title 40, Code of Federal Regulations (or successor regulations).

''(3) ENFORCEMENT.—A Native Corporation may commence a civil action for enforcement of this subsection in accordance with section 310 on or before the date that is 6 years after the date of enactment of this subsection.''.

SA 3249. Ms. STABENOW (for herself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

Subtitle I—Prevention of and Protection From Lead Exposure

SEC. 4801. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE STATE.—The term ''eligible State'' means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(3) ELIGIBLE SYSTEM.—The term ''eligible system'' means a public drinking water supply system that is the subject of an emergency declaration referred to in paragraph (2).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under that Act (42 U.S.C. 300f et seq.), including forgiveness of principal under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)).

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (f)(1), an eligible State may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(B) INCLUSION.—Assistance under subparagraph (A) may include additional subsidization under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), as described in paragraph (1)(B).

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided under subsection (f)(1)(A); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—Using funds provided under subsection (f)(2), the Administrator may make a secured loan to an eligible State to carry out a project to address lead or other contaminants in drinking water in an eligible system.

(B) AMOUNT.—Notwithstanding section 5029(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(2)), the amount of a secured loan provided under subparagraph (A) may be equal to not more than 80 percent of the reasonably anticipated costs of the projects.

(C) LIMITATION.—No project receiving a secured loan under this subsection may be financed (directly or indirectly), in whole or in part, with proceeds of any obligation—

(i) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which a credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986.

(2) FEDERAL INVOLVEMENT.—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(9)), any costs for a project to address lead or other contaminants in drinking water in an eligible system that are not covered by a secured loan under paragraph (1) may be covered using amounts in the State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) ASSET MANAGEMENT PLAN.—Any individual or entity that carries out construction of infrastructure using assistance provided under this section shall develop and implement, in consultation with the Administrator and appropriate officials of the applicable eligible State, a strategic and systematic process of operating, maintaining, and improving affected physical assets, with a focus on engineering and economic analysis based on quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair during the lifecycle of the assets at minimum practicable cost.

(e) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(f) FUNDING.—

(1) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall make available to the Administrator $200,000,000, to remain available for obligation for 1 year after the date on which the amounts are made available, to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for fiscal year 2016 for the purposes described in subsection (b)(2).

(B) SUPPLEMENTED INTENDED USE PLANS.—The Administrator shall disburse to an eligible State amounts made available under subparagraph (A) by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(iii) the estimated cost of the project; and

(iv) the projected start date for construction of the project.

(C) UNOBLIGATED AMOUNTS.—Any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 1 year after the date on which the amounts are made available shall be available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(D) APPLICABILITY.—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplement to an intended use plan under subparagraph (B).

(2) WIFIA FUNDING.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Treasury shall make available to the Administrator $60,000,000 to provide credit subsidies, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) in an amount equal to not more than $600,000,000 to eligible States under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(B) DEADLINE.—The Administrator, in consultation with the Director of the Office of Management and Budget, shall provide to an

eligible State a secured loan under subparagraph (A) by not later than 60 days after the date of receipt of a loan application from the eligible State.

(C) USE.—Secured loans provided pursuant to subparagraph (A) shall be available to carry out activities to address lead and other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(D) EXCESS AMOUNTS.—If the Administrator determines, in fiscal year 2020 or any fiscal year thereafter, that an amount less than $60,000,000 for credit subsidies is required to issue secured loans under subparagraph (A) for the fiscal year, the excess amount made available under this paragraph for that fiscal year shall be transferred to the Leaking Underground Storage Tank Trust Fund established by section 9508(a) of the Internal Revenue Code of 1986.

(3) APPLICABILITY.—Unless explicitly waived, all requirements under section 1450(e) of the Safe Drinking Water Act (42 U.S.C.300j–9(e)) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(g) HEALTH EFFECTS EVALUATION, FLINT, MICHIGAN.—

(1) IN GENERAL.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall in coordination with other agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water in the City of Flint, Michigan.

(2) CONSULTATIONS.—Pursuant to section 104(i)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(4)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall provide consultations regarding health issues described in paragraph (1).

(h) OFFSET.—

(1) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL TRANSFER.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated $260,000,000 to be transferred to the Administrator of the Environmental Protection Agency for purposes of making expenditures described in section 4801 of the Energy Policy Modernization Act of 2016.''.

(2) CONFORMING AMENDMENT.—Section 9508(c)(1) of such Code is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2), (3), and (4)''.

SEC. 4802. LOAN FORGIVENESS.

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of being notified by the primary agency of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.''.

(b) CONFORMING AMENDMENTS.—Section 1414 (c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (3)(B), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means the Center of Excellence on Lead Exposure established under subsection (b).

(2) CITY.—The term ''City'' means a City that has been exposed to lead through a water system or other source.

(3) COMMUNITY.—The term ''community'' means the community of the City.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means a State containing a City that has been exposed to lead through a water system or other source.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by contract, grant, or cooperative agreement, establish in the City a center to be known as the ''Center of Excellence on Lead Exposure''.

(c) COLLABORATION.—The Center shall collaborate with relevant Federal agencies, research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, and State and local public health agencies in the development and operation of the Center.

(d) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

(A) an epidemiologist;

(B) a toxicologist;

(C) a mental health professional;

(D) a pediatrician;

(E) an early childhood education expert;

(F) a special education expert;

(G) a dietician;

(H) an environmental health expert; and

(I) 2 community representatives.

(2) APPLICATION OF FACA.—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) RESPONSIBILITIES.—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents on a voluntary basis about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring on a voluntary basis for City residents who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Without duplicating other Federal research efforts, conduct or recommend that the Secretary conduct or support through a grant or contract research on physical, behavioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Without duplicating other Federal efforts, develop or recommend that the Secretary develop or support the development of, through a grant or contract, lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition

Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Without duplicating other Federal efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, education and outreach efforts for the City and State, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct at least 2 meetings annually in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Annually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or in connection with the Center;

(3) describing any mitigation tools used or developed by the Center including outcomes; and

(4) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

(g) FUNDING.—

(1) MANDATORY FUNDING.—

(A) IN GENERAL.—On October 1, 2016, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $20,000,000, to remain available until expended.

(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

(3) OFFSET.—

(A) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986, as amended by section 4801, is amended by adding at the end the following new paragraph:

''(5) ADDITIONAL TRANSFER TO HHS.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated to be transferred to the Secretary of Health and Human Services $20,000,000 on October 1, 2016, for purposes of making expenditures to carry out the requirements of section 4804 of the Energy Policy Modernization Act of 2016.''.

(B) CONFORMING AMENDMENT.—Section 9508(c)(1) of such Code, as amended by section 4801, is amended by striking ''and (4)'' and inserting ''(4), and (5)''.

SEC. 4805. GAO REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

(b) REVIEW.—Not later than 30 days after the completion of the investigations described in subsection (a), the Comptroller General of the United States shall commence a review of issues that are not addressed by the investigations and relating to—

(1) the adequacy of the response by the State of Michigan and the City of Flint to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response, as well as the capacity of the State and City to manage the drinking water system; and

(2) the adequacy of the response by Region 5 of the Environmental Protection Agency to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response.

(c) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (b), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to take any actions to prevent a similar situation in the future and to protect public health.

Subtitle J—Contamination on Transferred Land

SEC. 4901. RESPONSE ACTIONS ON ALASKA NATIVE CLAIMS CONVEYANCES.

Section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620) is amended by adding at the end the following:

''(k) ALASKA NATIVE CLAIMS CONVEYANCES.—

''(1) DEFINITIONS.—In this subsection:

''(A) HAZARDOUS SUBSTANCE.—In addition to the substances included in the definition of the term in section 101(14), the term 'hazardous substance' includes petroleum (including crude oil or any fraction thereof), natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

''(B) NATIVE CORPORATION.—The term 'Native Corporation' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S. 1602).

''(2) OBLIGATION TO TAKE RESPONSE ACTION.—

''(A) IN GENERAL.—The United States shall be responsible for taking all response actions necessary to ensure the protection of human health and the environment with regard to the release or threatened release of any hazardous substance on land conveyed to a Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) prior to the date of enactment of this subsection.

''(B) REQUIREMENT.—All response actions shall be taken consistent with this Act and the National Oil and Hazardous Substances Pollution Contingency Plan described in part 300 of title 40, Code of Federal Regulations (or successor regulations).

''(3) ENFORCEMENT.—A Native Corporation may commence a civil action for enforcement of this subsection in accordance with section 310 on or before the date that is 6 years after the date of enactment of this subsection.''.

SA 3250. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1104 (relating to third-party certification under the Energy Star program).

SA 3251. Mr. INHOFE (for himself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, between lines 14 and 15, insert the following:

SEC. 131__. GASEOUS FUEL DUAL FUELED AUTOMOBILES.

Section 32905 of title 49, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) GASEOUS FUEL DUAL FUELED AUTOMOBILES.—

''(1) MODEL YEARS 1993 THROUGH 2016.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model years 1993 through 2016, the Administrator shall measure the fuel economy for that model by dividing 1.0 by the sum of—

''(A) .5 divided by the fuel economy measured under section 32904(c) of this title when operating the model on gasoline or diesel fuel; and

''(B) .5 divided by the fuel economy measured under subsection (c) of this section when operating the model on gaseous fuel.

''(2) SUBSEQUENT MODEL YEARS.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model year 2017 or any subsequent model year, the Administrator shall calculate fuel economy in accordance with section 600.510–12 (c)(2)(vii) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this paragraph) if the vehicle qualifies under section 32901(c).''.

SA 3252. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, between lines 3 and 4, insert the following:

(i) COORDINATED REVIEW.—In the case of an interstate natural gas pipeline project, for purposes of the due process requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Commission shall consider, and address in the environmental impact statement required for the

interstate natural gas pipeline project under that Act, the cumulative impacts of other interstate natural gas pipeline projects located within the same State, within 100 miles of the project, that are filed with the Commission—

(1) during the 1-year period beginning on the filing of the initial project with the Commission; and

(2) before the issuance of the draft environmental impact statement by the Commission.

SA 3253. Mr. ISAKSON (for himself and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1008.

Strike subtitle G of title III.

SA 3254. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODIFICATIONS TO INCOME EXCLUSION FOR CONSERVATION SUBSIDIES.

(a) IN GENERAL.—Subsection (a) of section 136 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''any subsidy provided'' and inserting ''any subsidy—

''(1) provided'',

(2) by striking the period at the end and inserting '', or'', and

(3) by adding at the end the following new paragraph:

''(2) provided (directly or indirectly) by a public utility to a customer, or by a State or local government to a resident of such State or locality, for the purchase or installation of any water conservation measure or storm water management measure.''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF WATER CONSERVATION MEASURE AND STORM WATER MANAGEMENT MEASURE.—Section 136(c) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''ENERGY CONSERVATION MEASURE'' in the heading thereof and inserting ''DEFINITIONS'',

(B) by striking ''IN GENERAL'' in the heading of paragraph (1) and inserting ''ENERGY CONSERVATION MEASURE'', and

(C) by redesignating paragraph (2) as paragraph (4) and by inserting after paragraph (1) the following:

''(2) WATER CONSERVATION MEASURE.—For purposes of this section, the term 'water conservation measure' means any installation or modification primarily designed to reduce consumption of water or to improve the management of water demand with respect to a dwelling unit.

''(3) STORM WATER MANAGEMENT MEASURE.—For purposes of this section, the term 'storm water management measure' means any installation or modification of property primarily designed to manage amounts of storm water with respect to a dwelling unit.''.

(2) DEFINITION OF PUBLIC UTILITY.—Subparagraph (B) of section 136(c)(4) of such Code (as redesignated by paragraph (1)(C)) is amended by striking ''or natural gas'' and inserting '', natural gas, or water or the provision of storm water management''.

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 136 of such Code is amended—

(i) by inserting ''**AND WATER**'' after ''**ENERGY**'', and

(ii) by striking ''**PROVIDED BY PUBLIC UTILITIES**''.

(B) The item relating to section 136 in the table of sections of part III of subchapter B of chapter 1 of such Code is amended—

(i) by inserting ''and water'' after ''energy'', and

(ii) by striking ''provided by public utilities''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after January 1, 2015.

SA 3255. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 31___. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) in paragraph (1), by striking ''50'' and inserting ''25''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''50'' and inserting ''75'';

(B) in subparagraph (A)—

(i) by striking ''75'' and inserting ''50''; and

(ii) by striking ''and'' after the semicolon;

(C) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(C) 25 percent to provide financial assistance to States in accordance with section 906(b) of the National Oceans and Coastal Security Act (Public Law 114–113), which shall be considered income to the National Oceans and Coastal Security Fund for purposes of section 904 of that Act.''.

SA 3256. Mr. SCHATZ (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2307 and insert the following:

SEC. 2307. STATE AND REGIONAL ENERGY PARTNERSHIPS.

(a) DEFINITIONS.—In this section:

(1) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' has the meaning given the term in sections 6302 and 6305 of title 31, United States Code.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary, acting through the Assistant Secretary of the Office of Electricity Delivery and Energy Reliability in consultation with the Assistant Secretary of Energy Efficiency and Renewable Energy, the Assistant Secretary of Fossil Energy, and the Director of the Office of Nuclear Energy, Science, and Technology Programs; and

(B) the Secretary of the Interior, acting through the Assistant Secretary for Land and Minerals Management in consultation with the Director of the Bureau of Land Management, the Director of the Bureau of Ocean Energy Management, the Assistant Secretary for Indian Affairs, and the Assistant Secretary for Fish and Wildlife and Parks.

(4) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(5) TRIBAL ORGANIZATION.—

(A) IN GENERAL.—The term ''tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(B) INCLUSION.—The term ''tribal organization'' includes a Native Hawaiian organization (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)).

(b) REGIONAL ENERGY PARTNERSHIPS.—

(1) IN GENERAL.—The Secretaries shall provide assistance in accordance with this subsection for the purpose of developing energy strategies and plans that help harmonize and promote national, regional, and State energy goals, including goals for advancing resilient energy systems to mitigate risks and prepare for emerging energy challenges.

(2) ELECTRICITY DISTRIBUTION.—

(A) DISTRIBUTION PLANNING.—On the request of a State or a regional organization, the Secretary shall partner with the State or regional organization to facilitate the development of State and regional electricity distribution plans by—

(i) conducting a resource assessment and analysis of future demand and distribution requirements; and

(ii) developing open source tools for State and regional planning and operations.

(B) RISK AND SECURITY ANALYSIS.—An assessment under subparagraph (A)(i) shall include—

(i) an evaluation of the physical and cybersecurity needs of an advanced distribution management system and the integration of distributed energy resources; and

(ii) the advanced use of grid architecture to analyze risks in an all-hazards approach that includes communications infrastructure, control systems architecture, and power systems architecture.

(C) GRID INTEGRATION.—Consistent with the authorization of assistance provided to units of general local government and Indian tribes under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), the Secretary may provide assistance to a State or regional partnership (including a public-private partnership) to carry out projects designed to improve the performance and efficiency of the future electric grid that demonstrate—

(i) secure integration and management of 2 or more energy resources, including distributed energy generation, combined heat and power, micro-grids, energy storage, electric vehicles, energy efficiency, demand response, and intelligent loads; and

(ii) secure integration and interoperability of communications and information technologies.

(3) TECHNICAL ASSISTANCE.—In addition to the assistance authorized under paragraphs (1) and (2), the Secretaries may provide such technical assistance to States, political subdivisions of States, substate regional organizations (including organizations that cross State boundaries), multistate regional organizations, Indian tribes, tribal organizations,

and nonprofit organizations as the Secretaries determine appropriate to promote—

(A) the development and improvement of regional energy strategies and plans that sustain and promote energy system modernization across the United States;

(B) investment in energy infrastructure, technological capacity, innovation, and workforce development to keep pace with the changing energy ecosystem;

(C) the structural transformation of the financial, regulatory, legal, and institutional systems that govern energy planning, production, and delivery within States and regions; and

(D) public-private partnerships for the implementation of regional energy strategies and plans.

(4) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretaries may enter into cooperative agreements with 1 or more States and Indian tribes to develop and implement strategies and plans to address the energy challenges of States, Indian tribes, and regions.

(B) REQUIREMENTS.—A cooperative agreement entered into under this paragraph shall include provisions covering or providing—

(i) the purpose and goals of the cooperative agreement, such as advancing energy efficiency, clean energy, fuel and supply diversity, energy system resiliency, economic development, or other goals to make measurable, significant progress toward specified metrics and objectives that are agreed to by the States or Indian tribes and the Secretaries;

(ii) the roles and responsibilities of the States or Indian tribes and the Secretaries for various functions of the cooperative agreement, including outreach, communication, resources, and capabilities;

(iii) a comprehensive framework for the development of energy strategies and plans for States, Indian tribes, or regions;

(iv) timeframes with associated metrics and objectives;

(v) a governance structure to resolve conflicts and facilitate decision making consistent with underlying authorities; and

(vi) other provisions determined necessary by the Secretaries, in consultation with the States or Indian tribes, to achieve the purposes described in subparagraph (A).

(5) STAFF.—

(A) IN GENERAL.—Not later than 30 days after the date of the entering into a cooperative agreement under paragraph (4), the Secretaries shall, as appropriate, assign or employ individuals who have expertise in the technical and regulatory issues relating to the cooperative agreement, including particular expertise in (as applicable)—

(i) energy systems integration;

(ii) renewable energy and energy efficiency;

(iii) innovative financing mechanisms;

(iv) utility regulatory policy;

(v) modeling and analysis;

(vi) facilitation and arbitration;

(vii) energy assurance and emergency preparedness; and

(viii) cyber and physical security of energy systems.

(B) DUTIES.—Each individual assigned to carry out a cooperative agreement under subparagraph (A) shall—

(i) be responsible for issues and technical assistance relating to the cooperative agreement;

(ii) participate as part of the team of personnel working on developing and implementing the applicable regional energy strategy and plan; and

(iii) build capacity within the State, Indian tribe, or region to continue to implement the goals of this section after the expiration of the cooperative agreement.

(6) COMPREHENSIVE FRAMEWORK.—Under a cooperative agreement, a comprehensive framework shall be developed that identifies opportunities and actions across various energy sectors and cross-cutting issue areas, including—

(A) end-use efficiency;

(B) energy supply, including electric generation and fuels;

(C) energy delivery;

(D) transportation;

(E) technical integration, including standards and interdependencies;

(F) institutional structures;

(G) regulatory policies;

(H) financial incentives; and

(I) market mechanisms.

(7) AWARDS.—

(A) DEFINITIONS.—In this paragraph:

(i) APPLICATION GROUP.—The term ''application group'' means a group of States or Indian tribes that have—

(I) entered into a cooperative agreement, on a regional basis, with the Secretaries under paragraph (4); and

(II) submitted an application for an award under subparagraph (B)(i).

(ii) PARTNER STATE.—The term ''partner State'' means a State or Indian tribe that is part of an application group.

(B) APPLICATIONS.—

(i) IN GENERAL.—Subject to clause (ii), an application group may apply to the Secretaries for awards under this paragraph.

(ii) INDIVIDUAL STATES.—An individual State or Indian tribe that has entered into a cooperative agreement with the Secretaries under paragraph (4) may apply to the Secretaries for an award under this paragraph if the State or Indian tribe demonstrates to the Secretaries the uniqueness of the energy challenges facing the State or Indian tribe.

(C) BASE AMOUNT.—Subject to subparagraph (D), the Secretaries may provide not more than 6 awards under this paragraph, with a base amount of $20,000,000 for each award.

(D) BONUS AMOUNT FOR APPLICATION GROUPS.—

(i) IN GENERAL.—Subject to clause (ii), the Secretaries shall increase the amount of an award provided under this paragraph to an application group for a successful application under subparagraph (B)(i) by the quotient obtained by dividing—

(I) the product obtained by multiplying—

(aa) the number of partner States in the application group; and

(bb) $100,000,000; by

(II) the total number of partner States of all successful applications under this paragraph.

(ii) MAXIMUM AMOUNT.—The amount of a bonus determined under clause (i) shall not exceed an amount that represents $5,000,000 for each partner State that is a member of the relevant application group.

(E) LIMITATION.—A State or Indian tribe shall not be part of more than 1 award under this paragraph.

(F) SELECTION CRITERIA.—In selecting applications for awards under this paragraph, the Secretaries shall consider—

(i) existing commitments from States or Indian tribes, such as memoranda of understanding;

(ii) for States that are part of the contiguous 48 States, the number of contiguous States involved that cover a region;

(iii) the diversity of the regions represented by all applications;

(iv) the amount of cost-share or in-kind contributions from States or Indian tribes;

(v) the scope and focus of regional and State programs and strategies, with an emphasis on energy system resiliency and grid modernization, efficiency, and clean energy;

(vi) a management and oversight plan to ensure that objectives are met;

(vii) an outreach plan for the inclusion of stakeholders in the process for developing and implementing State or regional energy strategies and plans;

(viii) the inclusion of tribal entities;

(ix) plans to fund and sustain activities identified in regional energy strategies and plans;

(x) the clarity of roles and responsibilities of each State and the Secretaries; and

(xi) the average retail cost of electricity in the State.

(G) USE OF AWARDS.—

(i) IN GENERAL.—Awards provided under this paragraph shall be used to achieve the purpose of this section, including by—

(I) conducting technical analyses, resource studies, and energy system baselines;

(II) convening and providing education to stakeholders on emerging energy issues;

(III) building decision support and planning tools; and

(IV) improving communication between and participation of stakeholders.

(ii) LIMITATION.—Awards provided under this paragraph shall not be used for—

(I) capitalization of green banks or loan guarantees; or

(II) building facilities or funding capital projects.

(c) FUNDING.—

(1) AWARDS.—Of the amounts made available to carry out paragraphs (4) through (7) of subsection (b)—

(A) at least 40 percent shall be used for the bonus amount of awards under subsection (b)(7)(D); and

(B) not more than 10 percent shall be used for the administrative costs of carrying out this section, including—

(i) the assignment of staff under subsection (b)(5); and

(ii) if the Secretaries determine appropriate, the sharing of best practices from regional partnerships by parties to cooperative agreements entered into under this section.

(2) STATE ENERGY OFFICES.—Funds provided to a State under this section shall be provided to the office within the State that is responsible for developing the State energy plan for the State under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(3) MAINTENANCE OF FUNDING.—It is the intent of Congress that funding provided to States under this section shall supplement (and not supplant) funding provided under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

SA 3257. Ms. CANTWELL (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IV, add the following:

SEC. 42___. SENSE OF THE SENATE ON ACCELERATING ENERGY INNOVATION.

(a) FINDINGS.—The Senate finds that—

(1) although important progress has been made in cost reduction and deployment of clean energy technologies, accelerating clean energy innovation will meet critical competitiveness, energy security, and environmental goals;

(2) many of the greatest advancements in the science of energy production have taken place in the United States, where key Federal investment, public private partnerships,

and a robust, diverse energy industry have helped to power and fuel the United States economy;

(3) the United States is home to the most advanced energy research institutions in the world, and those institutions attract the brightest and most talented individuals to study and develop energy solutions to meet the energy needs of the United States and the world;

(4) early-stage involvement of the private sector is critical to ensuring commercialization and cost-effectiveness of energy breakthroughs;

(5) the Secretary is working with international and domestic partners and institutions, including units of government, private investors, and technology innovators—

(A) to make data available;

(B) to aggregate technology expertise, if possible;

(C) to share facilities and analysis;

(D) to promote development, commercialization, and dissemination of clean energy technologies; and

(E) to dramatically increase the range of technology options for private sector investment and commercialization;

(6) the Secretary is working closely with other committed nations and the private sector to increase access to investment for earlier-stage clean energy companies that emerge from government research and development programs;

(7) the Secretary is building and improving technology innovation roadmaps and other tools—

(A) to help innovation efforts;

(B) to understand where research and development is already happening; and

(C) to identify gaps and opportunities for new kinds of innovation;

(8) accelerating the pace of clean energy innovation in the United States calls for—

(A) supporting existing research and development programs at the Department and the world-class National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); and

(B) exploring and developing new pathways for innovators, investors, and decision-makers to leverage the resources of the Department for addressing the challenges and comparative strengths of geographic regions;

(9) the energy supply, demand, policies, markets, and resource options of the United States vary by geographic region; and

(10) a regional approach to innovation can bridge the gaps between local talent, institutions, and industries to identify opportunities and convert United States investment into domestic companies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the Secretary should advance efforts that promote international, domestic, and regional cooperation on the research and development of energy innovations that—

(1) provide clean, affordable, and reliable energy for everyone;

(2) promote economic growth; and

(3) are critical for energy security.

SA 3258. Mr. DAINES (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 14, strike ''life-cycle''.

On page 25, strike line 11 and insert the following:

''(4) PAYBACK.—Any proposal submitted by the Secretary under paragraph (3) shall have a simple payback (the time in years that is required for energy savings to exceed the incremental first cost of a new requirement) of 10 years or less.

''(5) ANALYSIS METHODOLOGY.—The Secretary

SA 3259. Mr. DAINES (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 14, strike ''life-cycle''.

On page 25, strike line 11 and insert the following:

''(4) PAYBACK.—Any proposal submitted by the Secretary under paragraph (3) shall have a simple payback (the time in years that is required for energy savings to exceed the incremental first cost of a new requirement) of 10 years or less.

''(5) ANALYSIS METHODOLOGY.—The Secretary

SA 3260. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 23____. INTERSTATE TRANSMISSION DETERMINATION REQUIRED WITH RESPECT TO CERTAIN TRANSMISSION INFRASTRUCTURE PROJECTS.

Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended by adding at the end the following:

''(h) INTERSTATE TRANSMISSION REQUIREMENT.—The Secretary shall not carry out a Project under subsection (a) or (b) unless the Secretary has issued a determination that the laws of the applicable State do not allow for interstate transmission projects.''.

SA 3261. Mr. BOOZMAN (for himself, Mr. ALEXANDER, Mr. BLUNT, and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 23____. REPORTING REQUIREMENT FOR CERTAIN TRANSMISSION INFRASTRUCTURE PROJECTS.

Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended by adding at the end the following:

''(h) REPORTING REQUIREMENT.—Before carrying out a Project under subsection (a) or (b), the Secretary shall submit to Congress a report that—

''(1) describes the impact that the proposed Project would have on electricity rates;

''(2) demonstrates that the proposed Project meets the requirements of paragraphs (1) and (2) of subsection (a) and paragraphs (1) and (2) of subsection (b); and

''(3) includes a list of utilities that have entered into contracts for the purchase of power from the proposed Project.

''(i) DECISION.—The Secretary may not issue a decision on whether to carry out a Project under subsection (a) or (b) before the date that is 180 days after the date of submission of a report required under subsection (h).''.

SA 3262. Mr. DONNELLY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

PART II—ENERGY INNOVATION AND PRODUCTION

SEC. 3111. SHORT TITLE.

This part may be cited as the ''American Energy Innovation and Production Act''.

SEC. 3112. ENERGY SECURITY TRUST FUND.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, there shall be established in the Treasury of the United States a trust fund, to be known as the ''Energy Security Trust Fund'' (referred to in this section as the ''Fund''), consisting of such amounts as are transferred to the Fund pursuant to subsection (b), to be administered by the Secretary in accordance with this section.

(b) FUNDING.—

(1) TRANSFERS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, subject to paragraph (2), the Secretary of the Treasury shall transfer to the Fund for each fiscal year an amount equal to 50 percent of the revenues received during the preceding fiscal year in the form of bonus bids, lease rental receipts, and production royalties from oil and gas development or production in any other Federal territory or area that becomes available for oil or gas leasing after the date of enactment of this Act.

(B) AVAILABILITY.—The amounts in the Fund—

(i) shall be available without fiscal year limitation; and

(ii) shall not be subject to appropriation.

(2) MAXIMUM ANNUAL AMOUNT.—The total amount transferred to the Fund pursuant to paragraph (1) for any 1 fiscal year shall not exceed $500,000,000.

(3) USE OF EXCESS REVENUES.—Any revenues described in paragraph (1)(A) that are received for a fiscal year in excess of the maximum annual amount referred to in paragraph (2) shall be used to reduce the debt of the Federal Government.

(4) LACK OF SUFFICIENT REVENUES.—If, during an applicable fiscal year, the development or production activities described in paragraph (1)(A) are obstructed for any reason, and no amounts are generated from activities described in paragraph (1)(A), no amounts shall be transferred to the Fund pursuant to this subsection for the following fiscal year.

(c) USE.—

(1) IN GENERAL.—The Secretary shall use amounts in the Fund to make grants in accordance with this section to pay the Federal share of the cost of conducting research on precommercial sciences and technologies with the near- and medium-term potential for reducing petroleum use and increasing fuel diversity in the transportation sector.

(2) REQUIREMENT.—Amounts in the Fund shall be used only for research and development activities focused on transportation-related technologies and fuels.

(3) ADVISORY BOARD.—

(A) IN GENERAL.—The Secretary shall establish an advisory board, to be composed of representatives from the private sector and

relevant sectors of academia, to evaluate the technologies to be eligible for funding under this section.

(B) ANNUAL REVIEWS.—The advisory board established under subparagraph (A) shall, not less frequently than once each year—

(i) review relevant technologies to determine whether the technologies should be eligible to receive funding under this section; and

(ii) submit to the Secretary recommendations regarding the allocation of finding for each technology determined to be eligible under clause (i).

(d) ALLOCATION.—

(1) IN GENERAL.—For each applicable fiscal year, of the amounts in the Fund, the Secretary shall allocate—

(A) 50 percent to make grants to national laboratories that are federally funded research and development centers or institutions of higher education to enhance the ability of the national laboratories to create opportunities for relevant public-private research partnerships;

(B) 15 percent to the Secretary of Defense to fund research and development programs of the Department of Defense that are focused on reducing transportation-related oil consumption; and

(C) 35 percent to make grants to eligible entities, as determined by the Secretary, to enhance existing research programs and establish new fields of research relevant to the eligible technologies described in subsection (c)(3)(B).

(2) LIMITATIONS.—

(A) MAXIMUM AMOUNT.—The amount of a grant provided under this section shall not exceed $25,000,000.

(B) PER PROJECT.—Not more than 1 grant shall be provided for a single project under this section.

(e) USE OF GRANTS.—

(1) IN GENERAL.—A national laboratory or other eligible entity described in subparagraph (A) or (C) of subsection (d)(1) may use a grant provided under this section to carry out activities relating to—

(A) research or development regarding vehicles and fuels that has a demonstrable market application, such as advanced-technology vehicle components and associated infrastructure, including—

(i) storage tanks for compressed natural gas vehicles;

(ii) onboard energy storage for electric and plug-in hybrid electric vehicles;

(iii) hydrogen fuel cells;

(iv) advanced liquid fuels;

(v) increased fuel efficiency in combustion engines; and

(vi) advancements to alternative fuel storage and dispensing;

(B) field or market research and development of the comprehensive systems required to support new vehicles and fuels that differ significantly from conventional vehicles, which shall—

(i) focus on determining best practices in comprehensive vehicle and infrastructure deployments;

(ii) have a strong experimental design to ensure that different deployment activities can be tested using quantitative metrics for various fuels; and

(iii) be structured and used to provide valuable lessons and best practices for use throughout the United States to ensure smooth, widespread deployment of alternative fuel vehicles; or

(C) increased public-private research and development collaboration and more-rapid technology transfer from the Federal Government to the private sector, with a focus on removing unnecessary obstacles in bringing to the private sector oil-reduction technologies with commercial applications that are developed by the national laboratories or eligible entities.

(2) LIMITATIONS.—A grant provided under this section may not be—

(A) sold;

(B) transferred; or

(C) used to repay a Federal loan.

(3) NATIONAL LABORATORIES.—A national laboratory that receives a grant under this section—

(A) shall be encouraged to enter into cooperative research and development agreements and other mechanisms to facilitate public-private partnerships in accordance with this section; and

(B) may serve as a program or funding manager for any such partnership.

(f) Cost Sharing and Review.—Amounts disbursed from the Fund under this section shall be subject to the cost sharing and merit review requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352), including the requirement under subsection (c)(1) of that section that not less than 50 percent of the cost of a project or activity carried out using the amounts shall be provided by a non-Federal source.

(g) REPORTS.—

(1) SECRETARY.—The Secretary shall prepare and submit to Congress—

(A) not less frequently than once each year, a report that describes, with respect to the preceding fiscal year—

(i) the amounts deposited in the Fund;

(ii) expenditures from the Fund; and

(iii) the means in which grants from the Fund were used by recipients, including a description of each project funded using such a grant; and

(B) not less frequently than once every 5 years, a report that describes, with respect to the preceding 5–year period—

(i) any breakthroughs that occurred as a result of grants from the Fund; and

(ii) the quantity of technology transfer that took place as a result of activities funded by the Fund.

(2) GAO.—Not less frequently than once every 5 years, the Comptroller General of the United States shall submit to Congress a report that describes the results of the projects that received grants from the Fund during the preceding 5–year period, including an assessment of progress resulting from those projects with respect to developing and bringing to market oil-saving technologies.

SA 3263. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

Subtitle I—Prevention and Protection From Lead Exposure

SEC. 4801. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE STATE.—The term ''eligible State'' means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(3) ELIGIBLE SYSTEM.—The term ''eligible system'' means a public drinking water supply system that is the subject of an emergency declaration referred to in paragraph (2).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under that Act (42 U.S.C. 300f et seq.), including forgiveness of principal under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)).

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (f)(1)(B), an eligible State may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(B) INCLUSION.—Assistance under subparagraph (A) may include additional subsidization under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), as described in paragraph (1)(B).

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided under subsection (f)(1)(B); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—The Administrator may make a secured loan to an eligible State to carry out a project to address lead or other contaminants in drinking water in an eligible system.

(B) AMOUNT.—Notwithstanding section 5029(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(2)), the amount of a secured loan provided under subparagraph (A) may be equal to not more than 80 percent of the reasonably anticipated costs of the projects.

(2) FEDERAL INVOLVEMENT.—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(9)), any costs for a project to address lead or other contaminants in drinking water in an eligible system that are not covered by a secured loan under paragraph (1) may be covered using amounts in the State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) ASSET MANAGEMENT PLAN.—Any individual or entity that carries out construction of infrastructure using assistance provided under this section shall develop and implement, in consultation with the Administrator and appropriate officials of the applicable eligible State, a strategic and systematic process of operating, maintaining, and improving affected physical assets, with a focus on engineering and economic analysis based on quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair during the lifecycle of the assets at minimum practicable cost.

(e) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(f) FUNDING.—

(1) ADDITIONAL SRF CAPITALIZATION GRANTS.—

(A) RESCISSION.—There is rescinded the unobligated balance of amounts made available

to carry out the advanced technology vehicles manufacturing incentive program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013).

(B) AVAILABILITY OF RESCINDED FUNDS.—Of the amounts rescinded under subparagraph (A), $200,000,000 shall be made available to the Administrator to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for fiscal year 2016 for the purposes described in subsection (b)(2).

(C) SUPPLEMENTED INTENDED USE PLANS.—The Administrator shall disburse to an eligible State amounts made available under subparagraph (B) by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(iii) the estimated cost of the project; and

(iv) the projected start date for construction of the project.

(D) UNOBLIGATED AMOUNTS.—Any amounts made available to the Administrator under subparagraph (B) that are unobligated on the date that is 1 year after the date on which the amounts are made available shall be available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(E) APPLICABILITY.—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplement to an intended use plan under subparagraph (C).

(2) WIFIA FUNDING.—

(A) IN GENERAL.—For fiscal year 2016, out of amounts rescinded under paragraph (1)(A), the Secretary of the Treasury shall make available to the Administrator $60,000,000, to remain available until expended, to provide credit subsidies, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) in an amount equal to not more than $600,000,000 to eligible States under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(B) DEADLINE.—The Administrator and the Director of the Office of Management and Budget shall provide to an eligible State a credit subsidy under subparagraph (A) by not later than 60 days after the date of receipt of a loan application from the eligible State.

(C) USE.—A credit subsidy provided pursuant to subparagraph (A) shall be available for activities to address lead and other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(3) APPLICABILITY.—Unless explicitly waived, all requirements under section 1450(e) of the Safe Drinking Water Act (42 U.S.C.300j–9(e)) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(g) HEALTH EFFECTS EVALUATION.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall—

(1) in coordination with other Federal departments and agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water; and

(2) provide for those individuals consultations regarding health issues relating to that exposure.

SEC. 4802. LOAN FORGIVENESS.

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of being notified by the primary agency of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.''.

(b) CONFORMING AMENDMENTS.—Section 1414 (c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (3)(B), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means the Center of Excellence on Lead Exposure established under subsection (b).

(2) CITY.—The term ''City'' means a City that has been exposed to lead through a water system or other source.

(3) COMMUNITY.—The term ''community'' means the community of the City.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means a State containing a City that has been exposed to lead through a water system or other source.

(b) ESTABLISHMENT.—The Secretary may, by contract, grant, or cooperative agreement, establish a center to be known as the ''Center of Excellence on Lead Exposure''.

(c) COLLABORATION.—The Center shall collaborate with relevant Federal agencies, research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, and State and local public health agencies in the development and operation of the Center.

(d) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

(A) an epidemiologist;

(B) a toxicologist;

(C) a mental health professional;

(D) a pediatrician;

(E) an early childhood education expert;

(F) a special education expert;

(G) a dietician;

(H) an environmental health expert; and

(I) 2 community representatives.

(2) APPLICATION OF FACA.—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) RESPONSIBILITIES.—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents on a voluntary basis about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring for City residents on a voluntary basis who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Without duplicating other Federal research efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, research on physical, behavioral, and developmental impacts, as well

as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Without duplicating other Federal efforts, develop or recommend that the Secretary develop or support the development of, through a grant or contract, lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Without duplicating other Federal efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, education and outreach efforts for the City and State, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct at least 2 meetings annually in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Annually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or in connection with the Center;

(3) describing any mitigation tools used or developed by the Center including outcomes; and

(4) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

SEC. 4805. GAO REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

(b) REVIEW.—Not later than 30 days after the completion of the investigations described in subsection (a), the Comptroller General of the United States shall commence a review of issues that are not addressed by the investigations and relating to—

(1) the adequacy of the response by the State of Michigan and the City of Flint to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response, as well as the capacity of the State and City to manage the drinking water system; and

(2) the adequacy of the response by Region 5 of the Environmental Protection Agency to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response.

(c) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (b), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to take any actions to prevent a similar situation in the future and to protect public health.

SA 3264. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 220__. MARKET-DRIVEN REINSTATEMENT OF OIL EXPORT BAN.

(a) DEFINITIONS.—In this section:

(1) AVERAGE NATIONAL PRICE OF GASOLINE.—The term ''average national price of gasoline'' means the average of retail regular gasoline prices in the United States, as calculated (on a weekday basis) by, and published on the Internet website of, the Energy Information Administration.

(2) GASOLINE INDEX PRICE.—The term ''gasoline index price'' means the average of retail regular gasoline prices in the United States, as calculated (on a monthly basis) by, and published on the Internet website of, the Energy Information Administration, during the 60-month period preceding the date of the calculation.

(b) REINSTATEMENT OF OIL EXPORT BAN.—

(1) IN GENERAL.—Effective on the date on which the event described in paragraph (2) occurs, subsections (a), (b), (c), and (d) of section 101 of division O of the Consolidated Appropriations Act, 2016 (Public Law 114–113), are repealed, and the provisions of law amended or repealed by those subsections are restored or revived as if those subsections had not been enacted.

(2) EVENT DESCRIBED.—The event referred to in paragraph (1) is the date on which the average national price of gasoline has been 50 percent greater than the gasoline index price for 30 consecutive days.

(c) PRESIDENTIAL AUTHORITY.—Notwithstanding subsection (b), the President may affirmatively allow the export of crude oil from the United States to continue for a period of not more than 1 year after the date of the reinstatement described in subsection (b), if the President—

(1) declares a national emergency and formally notices the declaration of a national emergency in the Federal Register; or

(2) finds and reports to Congress that a ban on the export of crude oil pursuant to this section has caused undue economic hardship.

(d) EFFECTIVE DATE.—This section takes effect on the date that is 10 years after the date of enactment of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

SA 3265. Mr. VITTER (for himself, Mr. KAINE, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 3602(d)(9), strike ''or'' at the end.

In section 3602(d)(10), strike the period and insert a semicolon.

In section 3602(d), insert at the end the following:

(11) establish a community college or 2-year technical college-based ''Center of Excellence'' for an energy and maritime workforce technical training program, such as a program of a community college located in a coastal area or in a shale play area of the United States; or

(12) are located in close proximity to marine or port facilities in the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, or Great Lakes.

SA 3266. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IV, add the following:

SEC. 44___. GAO REPORT ON BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT STATUTORY AND REGULATORY AUTHORITY FOR THE PROCUREMENT OF HELICOPTER FUEL.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that defines the statutory and regulatory authority of the Bureau of Safety and Environmental Enforcement with respect to legally procuring privately owned helicopter fuel, without agreement, from lessees, permit holders, operators of federally leased offshore facilities, or independent third parties not under contract with the Bureau of Safety and Environmental Enforcement or an agent of the Bureau of Safety and Environmental Enforcement.

SA 3267. Mr. KAINE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IV, add the following:

SEC. 44___. ESTABLISHMENT OF CENTER FOR RECURRENT FLOODING.

(a) PURPOSE.—The purpose of this section is to encourage intergovernmental cooperation among State, local, and regional units

of government, institutions of higher education in the Commonwealth of Virginia (referred to in this section as the ''Commonwealth''), and the Federal Government, in addressing recurrent flooding and sea level rise in the Hampton Roads region of the Commonwealth, through the Commonwealth Center for Recurrent Flooding (referred to in this section as the ''Center'').

(b) MEMBERSHIP.—The Center shall be composed of representatives of—

(1) the counties and cities composing the Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area;

(2) Accomack County, Virginia;

(3) Northampton County, Virginia;

(4) public institutions of higher education in the Commonwealth;

(5) other participants in the missions and activities described in the Hampton Roads Sea Level Rise Preparedness and Resilience Intergovernmental Planning Pilot Project Charter, dated October 10, 2014; and

(6) the Federal partner agencies described in subsection (c).

(c) FEDERAL PARTNER AGENCIES.—The Federal partner agencies referred to in subsection (b)(6) are—

(1) the Department;

(2) the Department of Defense;

(3) the Department of Housing and Urban Development;

(4) the Department of the Interior;

(5) the Department of Transportation;

(6) the Environmental Protection Agency;

(7) the Federal Emergency Management Agency;

(8) the National Oceanic and Atmospheric Administration; and

(9) the National Aeronautics and Space Administration.

(d) FEDERAL PARTICIPATION.—The Federal partner agencies shall participate in the activities of the Center by—

(1) consulting on policies, programs, studies, plans, and best practices relating to recurrent flooding and sea level rise in Hampton Roads, Virginia; and

(2) making available to the Center, as appropriate, physical, biological, and socioeconomic data sources that facilitate informed decision-making on the activities described in paragraph (1).

(e) EFFECT.—Nothing in this section shall require additional spending by any Federal partner agency.

SA 3268. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. CASSIDY (for himself, Ms. MURKOWSKI, Mr. KAINE, Mr. SCOTT, Mr. VITTER, Mr. TILLIS, and Mr. WARNER) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike lines 5 through 7 and insert the following:

105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''50'' and inserting ''25''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''50'' and inserting ''75'';

(ii) in subparagraph (A)—

(I) by striking ''75'' and inserting ''50''; and

(II) by striking ''and'' after the semicolon;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) 25 percent to provide financial assistance to States in accordance with section 906(b) of the National Oceans and Coastal Security Act (Public Law 114–113), which shall be considered income to the National Oceans and Coastal Security Fund for purposes of section 904 of that Act.''; and

(2) in subsection (f), by striking paragraph (1) and inserting the following:

SA 3269. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 385, strike line 11 and all that follows through page 389, line 18, and insert the following: provide notice of a plan to collect information identifying all oil inventories, and other physical oil assets (including all petroleum-based products and the storage of such products in off-shore tankers), that are owned by the 50 largest traders of oil contracts (including derivative contracts); and

''(B) not later than 90 days after the date on which notice is provided under subparagraph (A), implement the plan described in that subparagraph.

''(2) INFORMATION.—The plan required under paragraph (1) shall include a description of the plan of the Administrator for collecting company-specific data, including—

''(A) volumes of product under ownership; and

''(B) storage and transportation capacity (including owned and leased capacity).

''(3) PROTECTION OF PROPRIETARY INFORMATION.—Section 12(f) of the Federal Energy Administration Act of 1974 (15 U.S.C. 771(f)) shall apply to information collected under this subsection.

''(o) COLLECTION OF INFORMATION ON STORAGE CAPACITY FOR OIL AND NATURAL GAS.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Administrator of the Energy Information Administration shall collect information quantifying the commercial storage capacity for oil and natural gas in the United States.

''(2) UPDATES.—The Administrator shall update annually the information required under paragraph (1).

''(3) PROTECTION OF PROPRIETARY INFORMATION.—Section 12(f) of the Federal Energy Administration Act of 1974 (15 U.S.C. 771(f)) shall apply to information collected under this subsection.

''(p) FINANCIAL MARKET ANALYSIS OFFICE.—

''(1) ESTABLISHMENT.—There shall be within the Energy Information Administration a Financial Market Analysis Office.

''(2) DUTIES.—The Office shall—

''(A) be responsible for analysis of the financial aspects of energy markets;

''(B) review the reports required by section 4503(c) of the Energy Policy Modernization Act of 2016 in advance of the submission of the reports to Congress; and

''(C) not later than 1 year after the date of enactment of this subsection—

''(i) make recommendations to the Administrator of the Energy Information Administration that identify and quantify any additional resources that are required to improve the ability of the Energy Information Administration to more fully integrate financial market information into the analyses and forecasts of the Energy Information Administration;

''(ii) conduct a review of implications of policy changes (including changes in export or import policies) and changes in how crude oil and refined petroleum products are transported with respect to price formation of crude oil and refined petroleum products; and

''(iii) notify the Committee on Energy and Natural Resources, the Committee on Appropriations, and the Committee on Agriculture of the Senate and the Committee on Energy and Commerce, the Committee on Appropriations, and the Committee on Agriculture of the House of Representatives of the recommendations described in clause (i).

''(3) ANALYSES.—The Administrator of the Energy Information Administration shall take analyses by the Office into account in conducting analyses and forecasting of energy prices.''.

(b) CONFORMING AMENDMENT.—Section 645 of the Department of Energy Organization Act (42 U.S.C. 7255) is amended by inserting ''(15 U.S.C. 3301 et seq.) and the Natural Gas Act (15 U.S.C. 717 et seq.)'' after ''Natural Gas Policy Act of 1978''.

SEC. 4502. WORKING GROUP ON ENERGY MARKETS.

(a) ESTABLISHMENT.—There is established a Working Group on Energy Markets (referred to in this section as the ''Working Group'').

(b) COMPOSITION.—The Working Group shall be composed of—

(1) the Secretary;

(2) the Secretary of the Treasury;

(3) the Chairman of the Federal Energy Regulatory Commission;

(4) the Chairman of Federal Trade Commission;

(5) the Chairman of the Securities and Exchange Commission; and

(6) the Administrator of the Energy Information Administration.

SA 3270. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 304, strike line 11 and all that follows through page 311, line 7, and insert the following:

(b) ESTABLISHMENT OF COAL TECHNOLOGY PROGRAM.—The Energy Policy Act of 2005 (as amended by subsection (a)) is amended by inserting after section 961 (42 U.S.C. 16291) the following:

''SEC. 962. COAL TECHNOLOGY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) LARGE-SCALE PILOT PROJECT.—The term 'large-scale pilot project' means a pilot project that—

''(A) represents the scale of technology development beyond laboratory development and bench scale testing, but not yet advanced to the point of being tested under real operational conditions at commercial scale;

''(B) represents the scale of technology necessary to gain the operational data needed to understand the technical and performance risks of the technology before the application of that technology at commercial scale or in commercial-scale demonstration; and

''(C) is large enough—

''(i) to validate scaling factors; and

''(ii) to demonstrate the interaction between major components so that control philosophies for a new process can be developed and enable the technology to advance from large-scale pilot plant application to commercial-scale demonstration or application.

''(2) NET-NEGATIVE CARBON DIOXIDE EMISSIONS PROJECT.—The term 'net-negative carbon dioxide emissions project' means a project—

''(A) that employs a technology for thermochemical coconversion of coal and biomass fuels that—

''(i) uses a carbon capture system; and

''(ii) with carbon dioxide removal, can provide electricity, fuels, or chemicals with net-negative carbon dioxide emissions from production and consumption of the end products, while removing atmospheric carbon dioxide;

''(B) that will proceed initially through a large-scale pilot project for which front-end engineering will be performed for bituminous, subbituminous, and lignite coals; and

''(C) through which each use of coal will be combined with the use of a regionally indigenous form of biomass energy, provided on a renewable basis, that is sufficient in quantity to allow for net-negative emissions of carbon dioxide (in combination with a carbon capture system), while avoiding impacts on food production activities.

''(3) PROGRAM.—The term 'program' means the program established under subsection (b)(1).

''(4) TRANSFORMATIONAL TECHNOLOGY.—

''(A) IN GENERAL.—The term 'transformational technology' means a power generation technology that represents an entirely new way to convert energy that will enable a step change in performance, efficiency, and cost of electricity as compared to the technology in existence on the date of enactment of this section.

''(B) INCLUSIONS.—The term 'transformational technology' includes a broad range of technology improvements, including—

''(i) thermodynamic improvements in energy conversion and heat transfer, including—

''(I) oxygen combustion;

''(II) chemical looping; and

''(III) the replacement of steam cycles with supercritical carbon dioxide cycles;

''(ii) improvements in turbine technology;

''(iii) improvements in carbon capture systems technology; and

''(iv) any other technology the Secretary recognizes as transformational technology.

''(b) COAL TECHNOLOGY PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a coal technology program to ensure the continued use of the abundant, domestic coal resources of the United States through the development of technologies that will significantly improve the efficiency, effectiveness, costs, and environmental performance of coal use.

''(2) REQUIREMENTS.—The program shall include—

''(A) a research and development program;

''(B) large-scale pilot projects;

''(C) demonstration projects; and

''(D) net-negative carbon dioxide emissions projects.

''(3) PROGRAM GOALS AND OBJECTIVES.—In consultation with the interested entities described in paragraph (4)(C), the Secretary shall develop goals and objectives for the program to be applied to the technologies developed within the program, taking into consideration the following objectives:

''(A) Ensure reliable, low-cost power from new and existing coal plants.

''(B) Achieve high conversion efficiencies.

''(C) Address emissions of carbon dioxide through high-efficiency platforms and carbon capture from new and existing coal plants.

''(D) Support small-scale and modular technologies to enable incremental capacity additions and load growth and large-scale generation technologies.

''(E) Support flexible baseload operations for new and existing applications of coal generation.

''(F) Further reduce emissions of criteria pollutants and reduce the use and manage the discharge of water in power plant operations.

''(G) Accelerate the development of technologies that have transformational energy conversion characteristics.

''(H) Validate geological storage of large volumes of anthropogenic sources of carbon dioxide and support the development of the infrastructure needed to support a carbon dioxide use and storage industry.

''(I) Examine methods of converting coal to other valuable products and commodities in addition to electricity.

''(4) CONSULTATIONS REQUIRED.—In carrying out the program, the Secretary shall—

''(A) undertake international collaborations, as recommended by the National Coal Council;

''(B) use existing authorities to encourage international cooperation; and

''(C) consult with interested entities, including—

''(i) coal producers;

''(ii) industries that use coal;

''(iii) organizations that promote coal and advanced coal technologies;

''(iv) environmental organizations;

''(v) organizations representing workers; and

''(vi) organizations representing consumers.

''(c) REPORT.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall submit to Congress a report describing the performance standards adopted under subsection (b)(3).

''(2) UPDATE.—Not less frequently than once every 2 years after the initial report is submitted under paragraph (1), the Secretary shall submit to Congress a report describing the progress made towards achieving the objectives and performance standards adopted under subsection (b)(3).

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

''(A) for activities under the research and development program component described in subsection (b)(2)(A)—

''(i) $275,000,000 for each of fiscal years 2017 through 2020; and

''(ii) $200,000,000 for fiscal year 2021;

''(B) for activities under the demonstration projects program component described in subsection (b)(2)(C)—

''(i) $50,000,000 for each of fiscal years 2017 through 2020; and

''(ii) $75,000,000 for fiscal year 2021;

''(C) subject to paragraph (2), for activities under the large-scale pilot projects program component described in subsection (b)(2)(B), $285,000,000 for each of fiscal years 2017 through 2021; and

''(D) for activities under the net-negative carbon dioxide emissions projects program component described in subsection (b)(2)(D), $22,000,000 for each of fiscal years 2017 through 2021.

''(2) COST SHARING FOR LARGE-SCALE PILOT PROJECTS.—Activities under subsection (b)(2)(B) shall be subject to the cost-sharing requirements of section 988(b).''.

SA 3271. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3044 submitted by Mr. MANCHIN and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 8 of the amendment, strike line 9 and all that follows through the end of the amendment and insert the following:

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

''(A) for activities under the research and development program component described in subsection (b)(2)(A)—

''(i) $275,000,000 for each of fiscal years 2017 through 2020; and

''(ii) $200,000,000 for fiscal year 2021;

''(B) for activities under the demonstration projects program component described in subsection (b)(2)(C)—

''(i) $50,000,000 for each of fiscal years 2017 through 2020; and

''(ii) $75,000,000 for fiscal year 2021;

''(C) subject to paragraph (2), for activities under the large-scale pilot projects program component described in subsection (b)(2)(B), $285,000,000 for each of fiscal years 2017 through 2021; and

''(D) for activities under the net-negative carbon dioxide emissions projects program component described in subsection (b)(2)(D), $22,000,000 for each of fiscal years 2017 through 2021.

''(2) COST SHARING FOR LARGE-SCALE PILOT PROJECTS.—Activities under subsection (b)(2)(B) shall be subject to the cost-sharing requirements of section 988(b).''.

SA 3272. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3017.

SA 3273. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3009.

SA 3274. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2303.

SA 3275. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1004.

SA 3276. Ms. CANTWELL submitted an amendment intended to be proposed

to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2303.
Strike section 3009.
Strike section 3017.

SA 3277. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1004.
Strike section 2303.
Strike section 3009.
Strike section 3017.

SA 3278. Mr. MCCONNELL (for Mr. RUBIO (for himself and Mr. CARDIN)) proposed an amendment to the bill H.R. 907, to improve defense cooperation between the United States and the Hashemite Kingdom of Jordan; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States-Jordan Defense Cooperation Act of 2015''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As of January 22, 2015, the United States Government has provided $3,046,343,000 in assistance to respond to the Syria humanitarian crisis, of which nearly $467,000,000 has been provided to the Hashemite Kingdom of Jordan.

(2) As of January 2015, according to the United Nations High Commissioner for Refugees, there were 621,937 registered Syrian refugees in Jordan and 83.8 percent of whom lived outside refugee camps.

(3) In 2000, the United States and Jordan signed a free-trade agreement that went into force in 2001.

(4) In 1996, the United States granted Jordan major non-NATO ally status.

(5) Jordan is suffering from the Syrian refugee crisis and the threat of the Islamic State of Iraq and the Levant (ISIL).

(6) The Government of Jordan was elected as a non-permanent member of the United Nations Security Council for a 2-year term ending in December 2015.

(7) Enhanced support for defense cooperation with Jordan is important to the national security of the United States, including through creation of a status in law for Jordan similar to the countries in the North Atlantic Treaty Organization, Japan, Australia, the Republic of Korea, Israel, and New Zealand, with respect to consideration by Congress of foreign military sales to Jordan.

(8) The Colorado National Guard's relationship with the Jordanian military provides a significant benefit to both the United States and Jordan.

(9) Jordanian pilot Moaz al-Kasasbeh was brutally murdered by ISIL.

(10) On February 3, 2015, Secretary of State John Kerry and Jordanian Foreign Minister Nasser Judeh signed a new Memorandum of Understanding that reflects the intention to increase United States assistance to the Government of Jordan from $660,000,000 to $1,000,000,000 for each of the years 2015 through 2017.

(11) On December 5, 2014, in an interview on CBS This Morning, Jordanian King Abdullah II stated—

(A) in reference to ISIL, ''This is a Muslim problem. We need to take ownership of this. We need to stand up and say what is wrong''; and

(B) ''This is our war. This is a war inside Islam. So we have to own up to it. We have to take the lead. We have to start fighting back.''.

SEC. 3. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to support the Hashemite Kingdom of Jordan in its response to the Syrian refugee crisis;

(2) to provide necessary assistance to alleviate the domestic burden to provide basic needs for the assimilated Syrian refugees;

(3) to cooperate with Jordan to combat the terrorist threat from the Islamic State of Iraq and the Levant (ISIL) or other terrorist organizations; and

(4) to help secure the border between Jordan and its neighbors Syria and Iraq.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) expeditious consideration of certifications of letters of offer to sell defense articles, defense services, design and construction services, and major defense equipment to the Hashemite Kingdom of Jordan under section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is fully consistent with United States security and foreign policy interests and the objectives of world peace and security;

(2) Congress welcomes the statement of King Abdullah II quoted in section (2)(11); and

(3) it is in the interest of peace and stability for regional members of the Global Coalition to Combat ISIL to continue their commitment to, and increase their involvement in, addressing the threat posed by ISIL.

SEC. 5. ENHANCED DEFENSE COOPERATION.

(a) IN GENERAL.—During the 3-year period beginning on the date of the enactment of this Act, the Hashemite Kingdom of Jordan shall be treated as if it were a country listed in the provisions of law described in subsection (b) for purposes of applying and administering such provisions of law.

(b) ARMS EXPORT CONTROL ACT.—The provisions of law described in this subsection are—

(1) subsections (b)(2), (d)(2)(B), (d)(3)(A)(i), and (d)(5) of section 3 of the Arms Export Control Act (22 U.S.C. 2753);

(2) subsections (e)(2)(A), (h)(1)(A), and (h)(2) of section 21 of such Act (22 U.S.C. 2761);

(3) subsections (b)(1), (b)(2), (b)(6), (c), and (d)(2)(A) of section 36 of such Act (22 U.S.C. 2776);

(4) section 62(c)(1) of such Act (22 U.S.C. 2796a(c)(1)); and

(5) section 63(a)(2) of such Act (22 U.S.C. 2796b(a)(2)).

SEC. 6. MEMORANDUM OF UNDERSTANDING.

Subject to the availability of appropriations, the Secretary of State is authorized to enter into a memorandum of understanding with the Hashemite Kingdom of Jordan to increase economic support funds, military cooperation, including joint military exercises, personnel exchanges, support for international peacekeeping missions, and enhanced strategic dialogue.

SA 3279. Ms. MURKOWSKI (for Mr. LEE (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3033, to require the President's annual budget request to Congress each year to include a line item for the Research in Disabilities Education program of the National Science Foundation and to require the National Science Foundation to conduct research on dyslexia; as follows:

Strike section 4 of the bill and insert the following:

SEC. 4. DYSLEXIA.

(a) IN GENERAL.—Consistent with subsection (c), the National Science Foundation shall support multi-directorate, merit-reviewed, and competitively awarded research on the science of specific learning disability, including dyslexia, such as research on the early identification of children and students with dyslexia, professional development for teachers and administrators of students with dyslexia, curricula and educational tools needed for children with dyslexia, and implementation and scaling of successful models of dyslexia intervention. Research supported under this subsection shall be conducted with the goal of practical application.

(b) AWARDS.—To promote development of early career researchers, in awarding funds under subsection (a) the National Science Foundation shall prioritize applications for funding submitted by early career researchers.

(c) COORDINATION.—To prevent unnecessary duplication of research, activities under this Act shall be coordinated with similar activities supported by other Federal agencies, including research funded by the Institute of Education Sciences and the National Institutes of Health.

(d) FUNDING.—The National Science Foundation shall devote not less than $5,000,000 to research described in subsection (a), which shall include not less than $2,500,000 for research on the science of dyslexia, for each of fiscal years 2017 through 2021, subject to the availability of appropriations, to come from amounts made available for the Research and Related Activities account or the Education and Human Resources Directorate under subsection (e). This section shall be carried out using funds otherwise appropriated by law after the date of enactment of this Act.

(e) AUTHORIZATION.—For each of fiscal years 2016 through 2021, there are authorized out of funds appropriated to the National Science Foundation, $5,000,000 to carry out the activities described in subsection (a).

SEC. 5. DEFINITION OF SPECIFIC LEARNING DISABILITY.

In this Act, the term ''specific learning disability''—

(1) means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations;

(2) includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia; and

(3) does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 3, 2016, at 9:30 a.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 3, 2016, at 9:30 a.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Stream Protection Rule: Impacts on the Environment and Implications for Endangered Species Act and Clean Water Act Implementation.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 3, 2016, at 10 a.m., to conduct a hearing entitled ''Strains on the European Union: Implications for American Foreign Policy.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 3, 2016, at 10 a.m., to conduct a hearing entitled ''Canada's Fast-Track Refugee Plan: Unanswered Questions and Implications for National Security.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 3, 2016, in room SH–216 of the Hart Senate Office Building at 2:15 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 3, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Need for Transparency in the Asbestos Trusts.''

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BLUNT. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on February 3, 2016, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Sebastian Gomez-Devine, have the privileges of the floor for the balance of the day.

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

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Mr. HATCH. Mr. President, I ask unanimous consent that the attached documentation from the Office of Compliance be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, February 3, 2016.

Hon. ORRIN HATCH,
President Pro Tempore of the U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Section 304(b)(3) of the Congressional Accountability Act (''CAA''), 2 U.S.C. §1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors of the Office of Compliance (''Board'') has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), ''the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.''

The Board has adopted the regulations in the Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval which accompany this transmittal letter. The Board requests that the accompanying Notice be published in the Senate version of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal.

The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

All inquiries regarding this notice should be addressed to Barbara J. Sapin, Executive Director of the Office of Compliance, Room LA–200, 110 2nd Street, SE, Washington, DC 20540; (202) 724–9250.

Sincerely,

BARBARA L. CAMENS,
Chair of the Board of Directors, Office of Compliance.

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Regulations Extending Rights and Protections Under the Americans with Disabilities Act ("ADA") Relating to Public Services and Accommodations, Notice of Adoption of Regulations and Submission for Approval as Required by 2 U.S.C. §1331, the Congressional Accountability Act of 1995, as Amended ("CAA").

Summary:

The Congressional Accountability Act of 1995, PL 104–1 (''CAA''), was enacted into law on January 23, 1995. The CAA, as amended, applies the rights and protections of thirteen federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Section 210 of the CAA provides that the rights and protections against discrimination in the provision of public services and accommodations established by Titles II and III (sections 201 through 230, 302, 303, and 309) of the Americans With Disabilities Act of 1990, 42 U.S.C. §§12131–12150, 12182, 12183, and 12189 (''ADA'') shall apply to legislative branch entities covered by the CAA. The above provisions of section 210 became effective on January 1, 1997. 2 U.S.C. §1331(h).

The Board of Directors, Office of Compliance, after considering comments to its Notice of Proposed Rulemaking (''NPRM'') published on September 9, 2014 in the Congressional Record, has adopted, and is submitting for approval by the Congress, final regulations implementing section 210 of the CAA.

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Supplementary Information:

Background and Summary

Section 210(b) of the CAA provides that the rights and protections against discrimination in the provision of public services and accommodations established by the provisions of Titles II and III (sections 201 through 230, 302, 303, and 309) of the Americans With Disabilities Act of 1990, 42 U.S.C. §§12131–12150, 12182, 12183, and 12189 (''ADA'') shall apply to specified legislative branch offices. 2 U.S.C. §1331(b). Title II of the ADA prohibits discrimination on the basis of disability in the provision of services, programs, or activities by any ''public entity.'' Section 210(b)(2) of the CAA defines the term ''public entity'' for Title II purposes as any of the listed legislative branch offices that provide public services, programs, or activities. 2 U.S.C. §1331(b)(2). Title III of the ADA prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with the accessibility standards.

Section 210(e) of the CAA requires the Board of Directors of the Office of Compliance to issue regulations implementing Section 210. 2 U.S.C. §1331(e). Section 210(e) further states that such regulations ''shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) of this section except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' *Id.* Section 210(e) further provides that the regulations shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (b), the entity responsible for correction of a particular violation. 2 U.S.C. §1331(e)(3). On September 9, 2014, the Board published in the Congressional Record a NPRM, 160 Cong. Rec. H7363 & 160 Cong. Rec. S5437 (daily ed., Sept. 9, 2014). In response to the NPRM, the Board received four sets of written comments. After due consideration of the comments received in response to the proposed regulations, the Board has adopted and is submitting these final regulations for approval by Congress.

Summary of Comments and Board's Adopted Rules

A. Request for additional rulemaking proceedings.

One commenter requested that the Board withdraw its proposed regulations and ''create'' new regulations. The commenter suggested that the Board's authority to adopt regulations does not include the authority to incorporate existing regulations by reference and also suggested that the Board would be adopting future changes to the incorporated regulations unless it specified that the regulations in existence on the adoption date were the ones being incorporated rather than the regulations in existence on the issuance date (which was proposed in the NPRM and occurs after Congress has approved the regulations). The Board has determined that further rulemaking proceedings are not required because the publication requirements of Section 304(b)(1) of the CAA, which requires compliance with 5 U.S.C. §553(b), is satisfied by incorporating ''material readily available to the class of persons affected'' by the proposed regulation. See, 5 U.S.C. §552(a)(1)(E). Nonetheless, in response to this comment, the Board has modified the proposed regulation to incorporate the regulations in existence on the adoption date rather than the issuance date. In addition, to further avoid any confusion, the adopted regulations require that the full text of the incorporated regulations be published on the Office of Compliance website.

B. General comments regarding proposed regulations.

1. Compliance with both Titles II and III of the ADA.

Several commenters questioned whether it was necessary to adopt regulations under both Title II and Title III when Title II typically applies only to public entities and Title III typically applies only to private entities. Section 210 of the CAA can be confusing because it requires legislative branch offices (which are ''public entities''') to comply with sections of the ADA that are part of both Title II and Title III. Ordinarily, as the commenters suggested, the major distinction between Title II and Title III of the ADA is that Title II solely applies to public entities while Title III solely applies to private entities that are considered public accommodations. In contrast, under the CAA, the legislative branch offices listed in Section 210(a) must comply with Sections 201 through 230 of Title II of the ADA *and* Sections 302, 303 and 309 of Title III of the ADA. 42 U.S.C. §1331(b)(1). For purposes of the application of Title II of the ADA, the term ''public entity'' means any of these legislative branch offices. 42 U.S.C. §1331(b)(2). For the purposes of Title III of the ADA, the CAA does not incorporate the definitions contained in Section 301 of Title III, which limits the application of Title III to private entities which own, operate, lease or lease to places of public accommodation. Consequently, since the CAA expressly applies Title III to legislative branch offices that are ''public entities,'' those offices must at all times provide services, programs and activities that are in compliance with Title II of the ADA and, when those services, programs, activities or accommodations are provided directly to the public (as in places of public accommodations), they must also comply with Sections 302, 303 and 309 of Title III of the ADA. In other words, services, programs and activities that involve constituents and other members of the public must comply with both Titles II and III of the ADA, while those services, programs and activities that are not open or available to the public must only comply with Title II (and Title I when employment practices are involved).

As noted in the NPRM, Congress applied provisions of both Title II and Title III of the ADA to legislative branch offices to ensure that individuals with disabilities are provided the most access to public services, programs, activities and accommodations provided by law. To that end, the NPRM proposed an admittedly simple rule for deciding which regulation applies when there are differences between the applicable Title II and Title III regulations: the regulation providing the most access shall be followed. In response to the concerns expressed by the commenters, the Board has further reviewed the Title II and III regulations and determined that, when the regulations address the same subject, compliance with the applicable Title II regulation will be sufficient to meet the requirements of both Title II and Title III. For this reason, and to eliminate the potential confusion expressed by the commenters, the Board has adopted only the DOJ's Title II regulation when the DOJ's Title II and Title III regulations address the same subject.

2. Providing services, programs, activities or accommodations directly to the public out of a leased space.

Several commenters raised questions regarding how the regulations would be applied when a legislative branch office is leasing space from a private landlord. Under the ADA regulations (both Title II and Title III), the space being leased, the building where it is located, the building site, the parking lots and the interior and exterior walkways are all considered to be ''facilities.'' If the facility is being used to meet with members of the public, under the CAA, the facility is a place of public accommodation operated by a public entity and therefore the office must meet the obligations imposed by those sections of Titles II and III of the ADA applied to legislative branch entities under the CAA. Because the private landlord is leasing a facility to a place of public accommodation, the private landlord will also have to comply with the DOJ's Title III regulations, subject to enforcement by the DOJ or by an individual with a disability through legal action. The private landlord is not covered by the CAA.

Under the DOJ regulations that are incorporated by the adopted regulations, the obligations imposed by Title II and Title III differ depending upon when the leased facility was constructed. Entities covered by either Title II or Title III of the ADA (or both) must have designed and constructed their facilities in strict compliance with the applicable ADA Standards for Accessible Design (ADA Standards) if they were constructed after January 26, 1992. This means that both landlords and tenants are legally obligated to remove all barriers to access in such leased facilities caused by noncompliance with the applicable ADA Standards. Alterations made after January 26, 1992 to facilities constructed before January 26, 1992 must also be in compliance with the ADA Standards to the maximum extent feasible, and any alterations made to primary function areas after this date trigger a separate obligation to make the path of travel to those areas accessible to the extent that it can be made so without incurring disproportionate costs. If barriers to access exist in these alterations and in the path of travel to altered primary function areas, both the landlord and the tenant are legally obligated to remove those barriers. The regulations allow consideration of the provisions of the lease to determine who is primarily responsible for performing the barrier removal work;[1] however, because the legal duty is jointly imposed upon both of the parties, legal liability for any violation cannot be avoided by a private contract.[2]

All entities covered by Title III of the ADA who are lessors or lessees of facilities that were both constructed after January 26, 1992, and not altered since that date, must remove access barriers if such removal is ''readily achievable.'' 42 U.S.C. §12182(b)(2)(A)(iv), 28 C.F.R. §36.304. The phrase ''readily achievable'' means ''easily accomplishable and able to be carried out without much difficulty or expense.'' 42 U.S.C. §12181(9); 28 C.F.R. §36.304(a). Examples of ''readily achievable'' steps for removal of barriers include: installing ramps; making curb cuts in sidewalks and entrances; repositioning shelves, furniture, vending machines, displays, and telephones; adding raised markings and elevator control buttons; installing visual alarms; widening doors; installing accessible door devices; rearranging toilet partitions to increase maneuvering space; raising toilet seats; and creating designated accessible parking spaces. 28 C.F.R. §36.304(b).

Because legislative branch offices are ''public entities'' that must always comply with Title II of the ADA, these offices must also operate each of their services, programs and activities so that the service, program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. 28 C.F.R. §35.150(a). While this requirement does not usually require a public entity to make each of its existing facilities accessible and usable by individuals with disabilities [28 C.F.R. §35.150(a)(1)], a public entity must ''give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate'' when choosing a method of providing readily accessible and usable services, programs and activities. While structural changes in existing facilities are not required when the public entity can show that other methods are effective in meeting this access requirement, when a public entity is renting solely one facility in a locality, the only practical method of providing accessibility is to make sure that this leased facility is readily accessible. When a legislative branch office has only one facility in a particular locality and uses that facility to conduct meetings with constituents, it can be difficult, if not impossible, for that office to show that each of its programs, services and activities meet the accessibility requirements of 28 C.F.R. §35.150 when that facility is not readily accessible. Constituents using wheelchairs who are unable to attend meetings at a local Congressional office because the facility is not readily accessible do not find that each of the office's services, programs or activities, when viewed in its entirety, is readily accessible or usable by them. Offices are usually placed in a locality so that staff can meet personally with constituents who live nearby. Nearby constituents using wheelchairs who find that they cannot personally participate in such meetings upon reaching the facility are effectively being denied the access being provided to other constituents.

Because the adopted regulations adequately explain the rights and responsibilities of the parties involved in leasing facilities to public entities or public accommodations, the adopted regulations contain no changes based upon these comments.

3. Access requirements in rural and urban areas.

One commenter suggested that the Board should recognize that the access requirements in rural areas differ from those in urban areas and should therefore adopt regulations that recognize this distinction. The ADA is a civil rights statute and not a building code, although it is sometimes mistakenly viewed as one. While alterations and

construction in rural areas may not be regulated by local building codes, under the ADA, the individuals with disabilities living in those areas are entitled to the same rights and protections as those living in urban areas. This means that public entities and public accommodations must comply with the same applicable ADA access requirements regardless of their location. For this reason, following the DOJ and DOT, the Board has not made any changes in the proposed regulations to reflect distinctions between rural and urban areas.

4. Accessibility requirements for leased facilities.

In the NPRM, the Board proposed adoption of an Access Board regulation based on 36 C.F.R. § 1190.34 (2004) which since July 23, 2004 has been incorporated into the Access Board's Architectural Barriers Act Accessibility Guidelines (''ABAAG''). This regulation provides that buildings and facilities leased with federal funds shall contain certain specified accessible features. Buildings or facilities leased for 12 months or less are not required to comply with the regulation as long as the lease cannot be extended or renewed.

The Access Board's leasing regulation implements a key provision of the Architectural Barriers Act (''ABA'') which Congress originally passed in 1968 and amended in 1976. The ABA was originally enacted ''to insure that all public buildings constructed in the future by or on behalf of the Federal Government or with loans or grants from the Federal Government are designed and constructed in such a way that they will be accessible to and usable by the physically handicapped.'' S.Rep. No. 538, 90th Cong., 1st Sess., reprinted in 1968 U.S. Code Cong. & Admin. News 3214, 3215. Prior to being amended in 1976, the ABA covered only leased facilities that were ''to be leased in whole or in part by the United States after [August 12, 1968], after construction or alteration in accordance with plans and specifications of the United States.'' Pub. L. No. 90–480 §1, 82 Stat. 718 (1968). In 1975, the GAO issued a report to Congress entitled Further Action Needed to Make All Buildings Accessible to the Physically Handicapped which found that ''leased buildings were consistently more inaccessible [than federally-owned buildings] and posed the most serious problems to the handicapped'' and further found that ''[s]ince the Government leases many existing buildings without substantial alteration, the [ABA's] coverage is incomplete to the extent that those buildings are excluded.'' Comptroller General, Further Action Needed to Make All Buildings Accessible to the Physically Handicapped (July 15, 1975) at 25, 28. In response to the GAO Report, Congress amended the ABA by deleting the phrase ''after construction or alteration in accordance with plans and specifications of the United States'' thereby providing coverage for all buildings and facilities ''to be leased in whole or in part by the United States after [January 1, 1977].'' The House Report accompanying the bill that became law described the purpose of the 1976 Amendments as being to ''assure more effective implementation of the congressional policy to eliminate architectural barriers to physically handicapped persons in most federally occupied or sponsored buildings.'' H.R. Rep. No. 1584—Part I, 94th Cong., 2d Sess. 1 (1976). The hearings on the bill also make it clear that Congress amended the ABA in 1976 to close the loophole through which inaccessible buildings and facilities were leased without alteration. See, Public Buildings Cooperative Use: Hearings on HR 15134 Before the Subcommittee on Public Buildings and Grounds of the House Committee on Public Works and Transportation, 94th Cong., 2d Sess. 107 (1976) (statement of Representative Edgar).

Consequently, since 1976, a hallmark of federal policy regarding people with disabilities has been to require accessibility of buildings and facilities constructed or leased using federal funds. Although, in the CAA, Congress required legislative branch compliance with only the public access provisions of the ADA rather than the Rehabilitation Act of 1973 or the ABA, the ADA itself was enacted in 1990 to expand the access rights of individuals with disabilities beyond what was previously provided by the Rehabilitation Act and the ABA. One of the sections of the ADA that Congress incorporated into the CAA is Section 204. Section 204 requires that the regulations promulgated under the ADA with respect to existing facilities ''shall be consistent'' with the regulations promulgated by the DOJ in 28 C.F.R. Part 39. 42 U.S.C. §12134(b). Under 28 C.F.R. §39.150(b), a covered entity is required to meet accessibility requirements to the extent compelled by the Architectural Barriers Act of 1968, as amended, and any regulations implementing it.

As several commenters noted, when the DOJ promulgated its ADA regulations in 1991, it stated in its guidelines that it had intentionally omitted a regulation that required public entities to lease only accessible facilities because to do so ''would significantly restrict the options of State and local governments in seeking leased space, which would be particularly burdensome in rural or sparsely populated areas.'' 29 C.F.R. Pt. 35, App. B §35.151. In these same guidelines, however, the DOJ also noted that, under the Access Board's regulations, the federal government may not lease facilities unless they meet the minimum accessibility requirements specified in 36 C.F.R. §1190.34 (2004) (and now in ABAAG §F202.6). This is true even if the facility is located in rural or sparsely populated areas. None of the commenters provided any specific examples of how complying with a regulation regarding leased facilities otherwise applicable to the federal government would be unduly burdensome. Since the supply of accessible facilities has increased during the past twenty-four years through alterations and new construction, the burdensomeness of this regulation is certainly much less than it was in 1991.

A commenter also noted that under the current House rules a Member may not use representational funds to obtain reimbursement for capital improvements and this might affect the removal of barriers in facilities that are inaccessible. However, the proposed regulation does not require that any Member specifically pay for capital improvements. Instead, prior to entering into a lease with a Member for a facility that is in need of alterations to meet the minimum accessibility requirements, the landlord is obligated to make the needed alterations as a condition of doing business with Congress. While it is likely that the landlord will recover some of the costs associated with these alterations by increasing the rent paid by federal tenants, Congress determined when it amended the ABA to provide coverage for all leased facilities that the increased cost associated with requiring the federal government to lease only accessible facilities would be minimal and well worth the benefit gained by improving accessibility to all federal facilities. H.R. Rep. No. 1584—Part II, 94th Cong., 2d Sess. 9, reprinted in 1976 U.S. Code Cong. & Admin. News 5566, 5571–72. In the NPRM, the Board noted that the most common ADA public access complaint received by the OOC General Counsel from constituents relates to the lack of ADA access to spaces being leased by legislative branch offices. Given the frequency of these complaints and the clear Congressional policy embodied in the ABA requiring leasing of only accessible spaces by the United States, the Board found good cause to propose adoption of the Access Board's regulation formerly known as 36 C.F.R. §1190.34 (2004) and now known as §F202.6 of the ABAAG and the ABAAS. Because, under CAA §210(e)(2), the OOC Board of Directors (''the Board'') is authorized to propose a regulation that does not follow the DOJ regulations when it determines ''for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section,'' the Board has decided to require the leasing of accessible spaces as required in §F202.6 of the ABAAS.

5. Regulations regarding the investigation and prosecution of charges of discrimination and regarding periodic inspections and reporting.

Several commenters suggested that the regulations in Part 2, regarding the investigation and prosecution of charges of discrimination, and in Part 3, regarding periodic inspections and reporting, describe powers of the General Counsel that are beyond what is provided in the CAA. These commenters suggested that, under the CAA, the General Counsel does not have the discretion to determine how to conduct investigations and inspections nor the authority to act upon ADA requests for inspection from persons who request anonymity or persons who do not identify themselves as disabled.

Section 210(d) of the CAA requires the General Counsel to accept and investigate charges of discrimination filed by qualified individuals with disabilities who allege a violation of Section 210 of the CAA by a covered entity. The CAA provides no details regarding how charges shall be investigated. Similarly, while Section 210(f) of the CAA requires that the General Counsel, on a regular basis, at least once each Congress, inspect the facilities of covered entities to ensure compliance with Section 210 of the CAA and submit a report to Congress containing the results of such periodic inspections, the statute provides no details regarding how the inspections are to be conducted.

''The power of an administrative agency to administer a congressionally created . . . program necessarily requires the formulation of policy and the making of rules to fill any gap left, implicitly or explicitly, by Congress.'' *Morton* v. *Ruiz*, 415 U.S. 199, 231, 94 S.Ct. 1055, 1072, 39 L.Ed.2d 270 (1974) (cited with approval by *Chevron* v. *Nat'l Resources Defense Council*, 467 U.S. 837, 843, 104 S.Ct. 2778, 81 L.Ed.2d 694 (1984)). When Congress expressly leaves a gap for the agency to fill, there is an express delegation of authority to the agency to elucidate the statute. *Id.* at 844.

The OOC General Counsel has been conducting ADA inspections since January 23, 1995, when the CAA authorized commencement of such inspections. The OOC General Counsel has been investigating charges of discrimination since January 1, 1997, the effective date of Section 210(d). Since the creation of the office, the General Counsel has endeavored to conduct these inspections and investigations in a manner that is not disruptive to the offices involved and has not received complaints or comments indicating that its ADA investigations or inspections have ever been disruptive. The regulations merely propose that the General Counsel conduct investigations and inspections in the manner that they have always been conducted.

Due to the lack of inspection resources, the General Counsel is unable to conduct

ADA inspections of all facilities used by the covered entities at least once each Congress. The General Counsel is unable to inspect all of the facilities located in the Washington, D.C. area, much less all of the facilities used by the district and state offices that are also covered by Section 210 of the CAA. In light of the General Counsel's limited resources and the large number of facilities that are covered by the CAA, the General Counsel must prioritize its ADA inspections. The proposed regulations allow the General Counsel to continue its practice of giving priority to inspection of areas that have raised concerns from constituents. By allowing anyone to file a request for inspection and by allowing requestors to remain anonymous to the covered office (the requestor is required to provide his or her identity to the General Counsel), the General Counsel is better able to identify and examine potential access problems and then pass this information on to the covered offices who are in the best position to address these potential issues. The General Counsel has found that, without exception, covered offices have been very responsive to the access concerns raised by constituents through the request for inspection process and are usually appreciative of information concerning constituent access issues of which they might otherwise be unaware.

Under the proposed regulations, requests for inspection filed anonymously or by persons without disabilities are not considered ''charges of discrimination'' that could result in a formal complaint being filed by the General Counsel against the covered office. Unlike Section 215 of the CAA, relating to occupational safety and health (''OSH'') inspections and investigations, Section 210 of the CAA does not authorize the General Counsel to initiate enforcement proceedings unless a qualified individual with a disability has filed a charge of discrimination. But like Section 215, Section 210 of the CAA does authorize the General Counsel to inspect any facility and report its findings to the covered offices and to Congress. The proposed regulations merely recognize the General Counsel's long standing and common sense approach that concentrates limited inspection resources on the areas of most concern to constituents.

The other concern mentioned in the comments is that the proposed regulations define the General Counsel's investigatory authority in a manner that is broader than what Section 210 provides. Section 210 directs the General Counsel to investigate charges of discrimination without specifying how those investigations are to be conducted. To fill this gap, the proposed regulations allow the General Counsel to use modes of inquiry and investigation traditionally employed or useful to execute the investigatory authority provided by the statute which can include conducting inspections, interviewing witnesses, requesting documents and requiring answers to written questions. These methods of investigation are consistent with how other federal agencies investigate charges of discrimination. There is nothing in this proposed regulation that is contrary to the statutory language in Section 210. For this reason, the Board has not made any changes in the adopted regulations in response to these comments.

6. Request to create new regulations relating to safety and security.

One commenter suggested that the Board use these regulations to recognize the Capitol Police Board's statutory authority relating to safety and security and create new regulations defining this authority with respect to Section 210 of the CAA. In response, the Board does not find any statutory language in the CAA which would allow it to define the authority of the Capitol Police Board by regulation and therefore does not find good cause to modify the language of the DOJ or DOT regulations in the manner requested.

7. Comments to specific regulations.

a. Sec. 1.101—Purpose and Scope. One commenter suggested that, when describing how the CAA incorporates sections of Title II and III of the ADA, the regulation should use the language contained in the incorporated statutory sections. The Board has made this change in the adopted regulations. The same commenter suggested that mediation should be mentioned when describing the charge and complaint process. The Board has also made this change in the adopted regulations.

b. Sec. 1.102—Definitions. One commenter suggested that the incorporated definition of the ''Act'' should be reconciled with the definition of ''ADA'' provided in the proposed definitions. The Board has added ''or Americans with Disabilities Act'' after ''ADA'' in the definition section of the adopted regulations. This will clarify that references to the ''Americans with Disabilities Act'' or the ''Act'' will refer to only those sections of the ADA that are applied to the legislative branch by the CAA. One commenter suggested that there should be some discussion in this section regarding when a covered entity will be considered to be operating a ''place of public accommodation'' within the meaning of Title III. The Board has provided additional guidance on this topic in this Notice of Adoption and has added a provision in the adopted regulations providing that the regulations shall be interpreted in a manner consistent with the Notice of Adoption.

c. Sec. 1.103—Authority of the Board. One commenter suggested that this section be modified in a way that would allow the Board to adopt the Pedestrian Right of Way Accessible Guidelines (''PROWAG'') as a standard. Because the PROWAG are only proposed guidelines and they have not been adopted by the DOT as standards by regulation, these are not among the current DOT regulations that the Board can adopt under Section 210(e)(2) of the CAA. For this reason, the Board has not acted upon this suggestion.

d. Sec. 1.104—Method for identifying entity responsible. A commenter suggested that the term ''this section'' refers to both the statutory and regulatory language at different times. In response to this suggestion, the Board has changed the first reference to ''this section'' to ''Section 210 of the CAA'' in the adopted regulation. A commenter has also suggested that the regulation refers to allocating responsibility between covered entities rather than identifying the entity responsible and notes that there may be instances where access issues arise because a private landlord has failed to comply with the lease with the covered entity and the General Counsel would be unable to ''allocate responsibility'' between the covered entity and the private landlord. In response, the Board notes that Section 1.104(c) describes how the entities responsible for correcting violations are identified. Section 1.104(d) describes how responsibility is allocated when more than one covered entity is responsible for the correction. Because a private landlord is not a ''covered entity'' within the meaning of the CAA, Section 1.104(d) would not be applicable when deciding how to allocate responsibility between a private landlord and a covered legislative branch office. To further clarify this distinction, the Board has added the word ''covered'' before ''entity'' in Section 1.104(d) of the adopted regulation. Another commenter requested that this regulation be clarified so that only violations of the sections of the ADA incorporated in the CAA will be considered violations. In response, the Board notes that this has been accomplished by defining the ''ADA'' as including only those sections incorporated by the CAA. Another comment requested a definition of the term ''order'' in the last sentence of Section 1.104(d). In response, this word has been deleted in the adopted regulations.

e. Sec. 1.105—Title II Regulations incorporated by reference. The Architect of the Capitol suggested a slight modification to the definition of ''historic property'' in Sec. 1.105(a)(4) which would add the word ''properties'' to the list including ''facilities'' and ''buildings.'' The Board has made this change in the adopted regulations. Another commenter requested that the definition of ''historic'' properties be modified to include properties designated as historic by state or local law to cover district offices located in such buildings. In response, the Board notes that the definition contained in Sec. 1.105(a)(4) merely supplements the definition of historic properties contained in Section 35.104, which includes those properties designated as historic under State or local law. To further clarify this, the Board has added the word ''also'' to the definition in the adopted regulation. Another comment suggested that, rather than providing a general rule of interpretation, all potentially conflicting regulations should be rewritten to reconcile all possible conflicts. In response, as noted earlier in response to the general comments, the Board has adopted only the Title II regulation when both a DOJ Title II and Title III regulation address the same subject.

(1) Section 35.103(a). A comment suggested that this regulation should not be adopted because it references Title V of the Rehabilitation Act which includes employment discrimination issues. In response, the Board notes that Section 35.103(a) is based on Section 204 of the ADA, 42 U.S.C. §12134, which is incorporated by reference into the CAA; consequently, this provision remains in the adopted regulations.

(2) Section 35.104. A comment suggested that this regulation should be rewritten to delete all terms that are irrelevant, duplicative, or otherwise inapplicable. In response, the Board notes that definitions of terms that are not used in the incorporated regulations are not incorporated by reference, as made clear by the additional language added in §1.105(a); consequently, there is no need to rewrite the regulation.

(3) Section 35.105 (Self-Evaluation) and Section 35.106 (Notice). A comment suggested that these regulations should not be adopted because they might require covered entities to report findings to the OOC or keep and maintain certain records. The Board does not find this reason to be ''good cause'' for modifying the existing DOJ regulation. Unlike some of the other statutes incorporated by the CAA, the ADA does not contain a specific section about recordkeeping that Congress declined to apply to legislative branch entities.

(4) Section 35.107 (Designation of responsible employee and adoption of grievance procedures). A comment suggested that this regulation should not be adopted because the CAA contains other enforcement provisions. The Board does not find ''good cause'' for modifying the existing DOJ regulation. The DOJ placed these provisions in the regulations even though the ADA contains enforcement provisions. These regulations provide an opportunity to promptly address access issues by allowing individuals with disabilities to complain directly to the covered entity about an access problem.

(5) Section 35.131 (Illegal use of drugs). A comment suggested that this regulation should not be adopted because it may raise

Fourth Amendment issues. The Board finds that there is not ''good cause'' for modifying the existing DOJ regulation. The Fourth Amendment also applies to state and local governments. This regulation exists to make clear that covered entities can legally prohibit participants in government sponsored sport and recreational activities from illegally using drugs.

(6) Section 35.133 (Maintenance of accessible features). A comment suggested that this regulation should be modified to exclude offices that have no ''direct care and control'' over accessible features because only certain offices control the common areas in buildings. In response, the Board finds that there is not ''good cause'' for modifying the existing DOJ regulation. The entity or entities responsible for correcting violations are identified in accordance with Section 1.104(c) of the Proposed Regulations.

(7) Section 35.137 (Mobility Devices). A comment suggested that this regulation should be modified to exclude offices that do not have direct control over the daily operation of legislative branch facilities. In response, the Board has failed to find ''good cause'' for modifying the existing DOJ regulation. The entity or entities responsible for correcting violations are identified in accordance with Section 1.104(c) of the Proposed Regulations.

(8) Section 35.150 (Existing Facilities). A comment suggested that this proposed regulation should be modified so that it requires that only accessible facilities be leased and that Section 35.150(d) be removed because it requires the development of a transition plan which imposes recordkeeping requirements not adopted in the CAA. The Board does not find ''good cause'' for modifying the existing DOJ regulation. The accessibility requirements of leased facilities are addressed in a separate regulation. Regarding transition plans, as noted earlier, unlike some of the other statutes incorporated by the CAA, the ADA does not contain a specific section about recordkeeping that Congress declined to apply to legislative branch entities. The transition planning requirement is a key element of the DOJ regulations since it compels public entities to develop a plan for making all of their facilities accessible.

(9) Section 35.160 (Communications—General) A comment suggested modifying this regulation so that it is consistent with Section 36.303(c) (Effective communication). In response, the Board notes that the adopted regulations do not include Section 36.303(c) so there is no longer a reason for modifying the existing DOJ Title II regulation.

(10) Section 35.163 (Information and Signage). A comment suggested excluding offices that do not have direct control over signage in common areas from this regulation. In response, the Board does not find ''good cause'' for modifying the existing DOJ regulation. The entity or entities responsible for correcting violations are identified in accordance with Section 1.104(c) of the adopted regulations.

(11) Appendices to Part 35 Regulations. A commenter suggested correcting the titles of the Appendices to Parts 35 and 36. The titles have been corrected in the adopted regulations.

f. Sec. 1.105—Title III Regulations incorporated by reference.

(1) Section 36.101 (Purpose). A comment suggested that this regulation be modified to state that only those sections of Title III incorporated by the CAA are being implemented. The Board finds that this change is not necessary because the adopted regulations define the term ''Americans with Disabilities Act'' as including only those sections of the ADA incorporated by the CAA.

(2) Section 36.103 (Relationship with other Laws). A comment suggested deleting this regulation because it references Title V of the Rehabilitation Act. In response, the Board notes that Section 36.103 is based in part on Section 204 of the ADA, 42 U.S.C. § 12134, which is incorporated by reference into the CAA, and therefore finds no cause for deleting this regulation.

(3) Section 36.104 (Definitions). Several comments suggested that this regulation be modified to remove all definitions that are irrelevant, duplicative, or otherwise inapplicable. The Board notes that definitions of terms that are not used in the incorporated regulations are not incorporated by reference and therefore finds no cause for altering the regulation. As noted earlier, because the Notice of Adoption will be included as an appendix to the regulations, the notice will serve as guidance for interpreting the regulations.

(4) Section 36.209 (Illegal use of drugs). The Board has not responded to comments regarding this regulation because it has not been incorporated into the adopted regulations.

(5) Section 36.211 (Maintenance of accessible features). The Board has not responded to comments regarding this regulation because it has not been incorporated into the adopted regulations.

(6) Section 36.303 (Effective communication). The Board has not responded to comments regarding this regulation because it has not been incorporated into the adopted regulations.

(7) Section 36.304 (Removal of Barriers). A comment suggested modifying this regulation to acknowledge that the General Counsel has no authority over private landlords. The Board does not find good cause for modifying this regulation. As noted earlier, there is nothing in the regulations suggesting that the CAA applies to private landlords. In many cases, barrier removal is the responsibility of both the landlord and the tenant. If the tenant has a lease provision that places this responsibility on the landlord, it is up to the tenant to take appropriate action to enforce this provision.

(8) Sections 36.402 (Alterations), 36.403 (Alterations: Path of travel), 36.404 (Alterations: Elevator exemption), 36.405 (Alterations: Historic preservation) and 36.406 (Standards for new construction and alterations). A comment suggested modifying these regulations to consider the limited control that some offices have over capital improvement and alterations to buildings and to modify the historic preservation definition to include buildings designated as historic by state and local governments. The Board does not find good cause for modifying the existing DOJ regulations. The entity or entities responsible for correcting violations are identified in accordance with Section 1.104(c) of the adopted regulations. As noted earlier, the definition contained in Sec. 1.105(a)(4) merely supplements the definition of historic properties contained in Section 36.405(a), which includes those properties designated as historic under State or local law.

(9) Appendices to Part 36 Regulations. A commenter suggested correcting the titles of the Appendices to Parts 35 and 36. The titles have been corrected in the adopted regulations.

g. Section 1.105(e)—36 C.F.R. Part 1190 (2004) & ABAAG § F202.6

(1) Several commenters suggested that 36 C.F.R. Part 1190 (2004) should not be adopted because it is no longer in the Code of Federal Regulations. The Board does not find good cause to reconsider its decision to adopt this regulation. As noted earlier, although the regulation was removed from the C.F.R. in 2004 when the substance of the regulation became part of the ABA Accessibility Guidelines (''ABAAG'') at § F202.6, it is still an enforceable standard applied to the United States Government. Since 1976, when Congress amended the ABA, it has been a hallmark of federal policy regarding people with disabilities to require accessibility of buildings and facilities constructed or leased using federal funds.

h. Part 2—Matters Pertaining to Investigation and Prosecution of Charges of Discrimination

(1) Section 2.101 (Purpose and Scope). Several commenters suggested that this regulation explain in more detail how the General Counsel will exercise statutory authority by procedural rule or policy. In response, the Board has deleted this sentence from the adopted regulation.

(2) Section 2.102(b). A comment suggested that this regulation be modified to further clarify what ''other means'' can be used to ''file a charge'' other than those listed in the regulation. In response, the Board has deleted the reference to ''other means.''

(3) Section 2.102(c). Commenters suggested that this regulation should be modified because subpart (2) of the definition of ''the occurrence of the alleged violation'' is currently phrased in a way that seems to assume that a violation has occurred and is too broad because it might allow a charge to be filed beyond 180 days of the date of the alleged discrimination. In response to these comments, the adopted regulations retain only the definition of occurrence in subpart (1).

(4) Section 2.103. Commenters suggested modifying this regulation because it appears to expand the General Counsel's authority beyond what the CAA provides. For the reasons stated earlier in the response to the general comments, the Board disagrees with this assessment and therefore this section has not been changed in the adopted regulations.

(5) Section 2.107(a)(2). Commenters suggested removing this regulation because they believe that the CAA does not provide compensatory damages as a remedy for violations of Section 210. After due consideration of these comments, the Board has decided that the issue of what constitutes an appropriate remedy should be decided on a case-by-case basis through the statutory hearing and appeals process rather than by regulation. It should be noted, however, that the analysis in *Lane* v. *Pena*, 518 U.S. 187 (1996) may not be applicable to ADA cases under the CAA by virtue of the language in Section 210(b)(2) which defines ''public entity'' as including any of the covered entities listed in Section 210(a) and the language in Section 210(c) which provides for ''such remedy as would be appropriate if awarded under section 203 or 308(a) of the American with Disabilities Act of 1990.'' These provisions, when read together, may very well constitute an express waiver of sovereign immunity for all damages that can be appropriately awarded against a public entity, which would include compensatory damages.

i. Part 3—Matters Pertaining to Periodic Inspections and Reporting

(1) Section 3.101 (Purpose and Scope). Several commenters suggested that this regulation explain in more detail how the General Counsel will exercise statutory authority by procedural rule or policy. In response, the Board has deleted this sentence from the adopted regulation.

(2) Section 3.102 (Definitions). A commenter suggested that the definition of ''facilities of a covered entity'' be narrowed so that the General Counsel would only inspect spaces occupied solely by a legislative branch office and would not inspect common spaces, entrances or accessible pathways used to access the solely occupied spaces. The Board finds that such a narrow definition of ''facilities of a covered entity'' would

be inconsistent with the DOJ regulations and the purpose of the statutory mandate to inspect facilities for compliance with Titles II and III of the ADA; therefore, it has not modified this definition in the adopted regulations.

(3) Section 3.103 (Inspection Authority). Commenters suggested that the General Counsel not be allowed to conduct an inspection or investigation initiated by someone who wishes to remain anonymous. For the reasons stated earlier in response to the general comments, the Board rejects this suggestion and has therefore not changed this section in the adopted regulations. The Architect of the Capitol suggested that, in the interest of simplicity and timeliness, Section 3.103(d) be shortened to: ''The Office of the Architect of the Capitol shall, within one year from the effective date of these regulations, develop a process with the General Counsel to identify potential barriers to access prior to the completion of alteration and construction projects.'' Because the language used in the NPRM more thoroughly describes what this preconstruction process should entail, the Board does not find good cause to modify this regulation in the manner suggested.

Adopted Regulations:

PART 1—MATTERS OF GENERAL APPLICABILITY TO ALL REGULATIONS PROMULGATED UNDER SECTION 210 OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

§ 1.101 PURPOSE AND SCOPE
§ 1.102 DEFINITIONS
§ 1.103 AUTHORITY OF THE BOARD
§ 1.104 METHOD FOR IDENTIFYING THE ENTITY RESPONSIBLE FOR CORRECTING VIOLATIONS OF SECTION 210
§ 1.105 REGULATIONS INCORPORATED BY REFERENCE

§ 1.101 Purpose and scope.

(a) **CAA.** Enacted into law on January 23, 1995, the Congressional Accountability Act (''CAA'') in Section 210(b) provides that the rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990, 42 U.S.C. §§12131–12150, 12182, 12183, and 12189 (''ADA''), shall apply to the following entities:

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Office of Congressional Accessibility Services;

(5) the United States Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Botanic Garden);

(8) the Office of the Attending Physician; and

(9) the Office of Compliance;

Title II of the ADA prohibits discrimination on the basis of disability in the provision of public services, programs, activities by any ''public entity.'' Section 210(b)(2) of the CAA provides that for the purpose of applying Title II of the ADA the term ''public entity'' means any entity listed above that provides public services, programs, or activities. Title III of the ADA prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with accessibility standards. Section 225(f) of the CAA provides that, ''[e]xcept where inconsistent with definitions and exemptions provided in [this Act], the definitions and exemptions of the [ADA] shall apply under [this Act.]'' 2 U.S.C. §1361(f)(1).

Section 210(d) of the CAA requires that the General Counsel of the Office of Compliance accept and investigate charges of discrimination filed by qualified individuals with disabilities who allege a violation of Title II or Title III of the ADA by a covered entity. If the General Counsel believes that a violation may have occurred, the General Counsel may request, but not participate in, mediation under Section 403 of the CAA and may file with the Office a complaint under Section 405 of the CAA against any entity responsible for correcting the violation. 2 U.S.C. §1331(d).

Section 210(f) of the CAA requires that the General Counsel of the Office of Compliance on a regular basis, and at least once each Congress, conduct periodic inspections of all covered facilities and to report to Congress on compliance with disability access standards under Section 210. 2 U.S.C. §1331(f).

(b) **Purpose and scope of regulations.** The regulations set forth herein (Parts 1, 2, and 3) are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to Section 210(e) of the CAA. Part 1 contains the general provisions applicable to all regulations under Section 210, the method of identifying entities responsible for correcting a violation of Section 210, and the list of executive branch regulations incorporated by reference which define and clarify the prohibition against discrimination on the basis of disability in the provision of public services and accommodations. Part 2 contains the provisions pertaining to investigation and prosecution of charges of discrimination. Part 3 contains the provisions regarding the periodic inspections and reports to Congress on compliance with the disability access standards.

§ 1.102 Definitions.

Except as otherwise specifically provided in these regulations, as used in these regulations:

(a) ***Act*** or ***CAA*** means the Congressional Accountability Act of 1995 (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

(b) ***ADA*** or ***Americans with Disabilities Act*** means those sections of the Americans with Disabilities Act of 1990 incorporated by reference into the CAA in Section 210: 42 U.S.C. §§12131–12150, 12182, 12183, and 12189.

(c) ***Covered entity and public entity*** include any of the entities listed in §1.101(a) that provide public services, programs, or activities, or operates a place of public accommodation within the meaning of Section 210 of the CAA. In the regulations implementing Title III, ***private entity*** includes ***covered entities.***

(d) ***Board*** means the Board of Directors of the Office of Compliance.

(e) ***Office*** means the Office of Compliance.

(f) ***General Counsel*** means the General Counsel of the Office of Compliance.

§ 1.103 Authority of the Board.

Pursuant to Sections 210 and 304 of the CAA, the Board is authorized to issue regulations to implement the rights and protections against discrimination on the basis of disability in the provision of public services and accommodations under the ADA. Section 210(e) of the CAA directs the Board to promulgate regulations implementing Section 210 that are ''the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' 2 U.S.C. §1331(e). Specifically, it is the Board's considered judgment, based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other ''substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) [of Section 210 of the CAA]'' that need be adopted.

In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Attorney General and the Secretary of Transportation. Such changes are intended to make the provisions adopted accord more naturally to situations in the Legislative Branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Attorney General and/or the Secretary of Transportation from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulations or of the statutory provisions of the CAA upon which they are based.

§ 1.104 Method for identifying the entity responsible for correction of violations of section 210.

(a) **Purpose and scope.** Section 210(e)(3) of the CAA provides that regulations under Section 210(e) include a method of identifying, for purposes of Section 210 of the CAA and for categories of violations of Section 210(b), the entity responsible for correcting a particular violation. This section sets forth the method for identifying responsible entities for the purpose of allocating responsibility for correcting violations of Section 210(b).

(b) **Violations.** A covered entity may violate Section 210(b) if it discriminates against a qualified individual with a disability within the meaning of Title II or Title III of the ADA.

(c) **Entities Responsible for Correcting Violations.** Correction of a violation of the rights and protections against discrimination is the responsibility of the entities listed in subsection (a) of Section 210 of the CAA that provide the specific public service, program, activity, or accommodation that forms the basis for the particular violation of Title II or Title III rights and protections and, when the violation involves a physical access barrier, the entities responsible for designing, maintaining, managing, altering or constructing the facility in which the specific public service program, activity or accommodation is conducted or provided.

(d) **Allocation of Responsibility for Correction of Title II and/or Title III Violations.** Where more than one covered entity is found to be an entity responsible for correction of a violation of Title II and/or Title III rights and protections under the method set forth in this section, as between those parties, allocation of responsibility for correcting the violations of Title II or Title III of the ADA may be determined by statute, contract, or other enforceable arrangement or relationship.

§ 1.105 Regulations incorporated by reference.

(a) **Technical and Nomenclature Changes to Regulations Incorporated by Reference.** The definitions in the regulations incorporated by reference (''incorporated regulations''') shall be used to interpret these regulations except: (1) when they differ from the definitions in §1.102 or the modifications listed below, in which case the definition in §1.102 or the modification listed below shall be

used; or (2) when they define terms that are not used in the incorporated regulations. The incorporated regulations are hereby modified as follows:

(1) When the incorporated regulations refer to ''Assistant Attorney General,'' ''Department of Justice,'' ''FTA Administrator,'' ''FTA regional office,'' ''Administrator,'' ''Secretary,'' or any other executive branch office or officer, ''General Counsel'' is hereby substituted.

(2) When the incorporated regulations refer to the date ''January 26, 1992,'' the date ''January 1, 1997'' is hereby substituted.

(3) When the incorporated regulations otherwise specify a date by which some action must be completed, the date that is three years from the effective date of these regulations is hereby substituted.

(4) When the incorporated regulations contain an exception for an ''historic'' property, building, or facility, that exception shall also apply to properties, buildings, or facilities designated as an historic or heritage asset by the Office of the Architect of the Capitol in accordance with its preservation policy and standards and where, in accordance with its preservation policy and standards, the Office of the Architect of the Capitol determines that compliance with the requirements for accessible routes, entrances, or toilet facilities (as defined in 28 C.F.R. Parts 35 and 36) would threaten or destroy the historic significance of the property, building or facility, the exceptions for alterations to qualified historic property, buildings or facilities for that element shall be permitted to apply.

(b) **Rules of Interpretation.** When regulations in (c) conflict, the regulation providing the most access shall apply. The Board's Notice of Adoption shall be used to interpret these regulations and shall be made part of these Regulations as Appendix A.

(c) **Incorporated Regulations from 28 C.F.R. Parts 35 and 36.** The Office shall publish on its website the full text of all regulations incorporated by reference. The following regulations from 28 C.F.R. Parts 35 and 36 that are published in the Code of Federal Regulations on the date of the Board's adoption of these regulations are hereby incorporated by reference as though stated in detail herein:

§ 35.101 Purpose.
§ 35.102 Application.
§ 35.103 Relationship to other laws.
§ 35.104 Definitions.
§ 35.105 Self-evaluation
§ 35.106 Notice.
§ 35.107 Designation of responsible employee and adoption of grievance procedures.
§ 35.130 General prohibitions against discrimination.
§ 35.131 Illegal use of drugs.
§ 35.132 Smoking.
§ 35.133 Maintenance of accessible features.
§ 35.135 Personal devices and services.
§ 35.136 Service animals
§ 35.137 Mobility devices.
§ 35.138 Ticketing
§ 35.139 Direct threat.
§ 35.149 Discrimination prohibited.
§ 35.150 Existing facilities.
§ 35.151 New construction and alterations.
§ 35.152 Jails, detention and correctional facilities.
§ 35.160 General.
§ 35.161 Telecommunications.
§ 35.162 Telephone emergency services.
§ 35.163 Information and signage.
§ 35.164 Duties.
Appendix A to Part 35—Guidance to Revisions to ADA Regulation on Nondiscrimination on the Basis of Disability in State and Local Government Services.
Appendix B to Part 35—Guidance on ADA Regulation on Nondiscrimination on the Basis of Disability in State and Local Government Services Originally Published July 26, 1991.
§ 36.101 Purpose.
§ 36.102 Application.
§ 36.103 Relationship to other laws.
§ 36.104 Definitions.
§ 36.201 General.
§ 36.202 Activities.
§ 36.203 Integrated settings.
§ 36.204 Administrative methods.
§ 36.205 Association.
§ 36.207 Places of public accommodations located in private residences.
§ 36.208 Direct threat.
§ 36.210 Smoking.
§ 36.213 Relationship of subpart B to subparts C and D of this part.
§ 36.301 Eligibility criteria.
§ 36.302 Modifications in policies, practices, or procedures.
§ 36.304 Removal of barriers.
§ 36.305 Alternatives to barrier removal.
§ 36.307 Accessible or special goods.
§ 36.308 Seating in assembly areas.
§ 36.309 Examinations and courses.
§ 36.310 Transportation provided by public accommodations.
§ 36.402 Alterations.
§ 36.403 Alterations: Path of travel.
§ 36.404 Alterations: Elevator exemption.
§ 36.405 Alterations: Historic preservation.
§ 36.406 Standards for new construction and alterations.
Appendix A to Part 36—Guidance on Revisions to ADA Regulation on Nondiscrimination on the Basis of Disability by Public Accommodations and Commercial Facilities.
Appendix B to Part 36—Analysis and Commentary on the 2010 ADA Standards for Accessible Design.

(d) **Incorporated Regulations from 49 C.F.R. Parts 37 and 38.** The following regulations from 49 C.F.R. Parts 37 and 38 that are published in the Code of Federal Regulations on the effective date of these regulations are hereby incorporated by reference as though stated in detail herein:

§ 37.1 Purpose.
§ 37.3 Definitions.
§ 37.5 Nondiscrimination.
§ 37.7 Standards for accessible vehicles.
§ 37.9 Standards for accessible transportation facilities.
§ 37.13 Effective date for certain vehicle specifications.
§ 37.21 Applicability: General.
§ 37.23 Service under contract.
§ 37.27 Transportation for elementary and secondary education systems.
§ 37.31 Vanpools.
§ 37.37 Other applications.
§ 37.41 Construction of transportation facilities by public entities.
§ 37.43 Alteration of transportation facilities by public entities.
§ 37.45 Construction and alteration of transportation facilities by private entities.
§ 37.47 Key stations in light and rapid rail systems.
§ 37.61 Public transportation programs and activities in existing facilities.
§ 37.71 Purchase or lease of new non-rail vehicles by public entities operating fixed route systems.
§ 37.73 Purchase or lease of used non-rail vehicles by public entities operating fixed route systems.
§ 37.75 Remanufacture of non-rail vehicles and purchase or lease of remanufactured non-rail vehicles by public entities operating fixed route systems.
§ 37.77 Purchase or lease of new non-rail vehicles by public entities operating a demand responsive system for the general public.
§ 37.79 Purchase or lease of new rail vehicles by public entities operating rapid or light rail systems.
§ 37.81 Purchase or lease of used rail vehicles by public entities operating rapid or light rail systems.
§ 37.83 Remanufacture of rail vehicles and purchase or lease of remanufactured rail vehicles by public entities operating rapid or light rail systems.
§ 37.101 Purchase or lease of vehicles by private entities not primarily engaged in the business of transporting people.
§ 37.105 Equivalent service standard.
§ 37.121 Requirement for comparable complementary paratransit service.
§ 37.123 ADA paratransit eligibility: Standards.
§ 37.125 ADA paratransit eligibility: Process.
§ 37.127 Complementary paratransit service for visitors.
§ 37.129 Types of service.
§ 37.131 Service criteria for complementary paratransit.
§ 37.133 Subscription service.
§ 37.135 Submission of paratransit plan.
§ 37.137 Paratransit plan development.
§ 37.139 Plan contents.
§ 37.141 Requirements for a joint paratransit plan.
§ 37.143 Paratransit plan implementation.
§ 37.147 Considerations during FTA review.
§ 37.149 Disapproved plans.
§ 37.151 Waiver for undue financial burden.
§ 37.153 FTA waiver determination.
§ 37.155 Factors in decision to grant an undue financial burden waiver.
§ 37.161 Maintenance of accessible features: General.
§ 37.163 Keeping vehicle lifts in operative condition: Public entities.
§ 37.165 Lift and securement use.
§ 37.167 Other service requirements.
§ 37.171 Equivalency requirement for demand responsive service operated by private entities not primarily engaged in the business of transporting people.
§ 37.173 Training requirements.
Appendix A to Part 37—Modifications to Standards for Accessible Transportation Facilities.
Appendix D to Part 37—Construction and Interpretation of Provisions of 49 CFR Part 37.
§ 38.1 Purpose.
§ 38.2 Equivalent facilitation.
§ 38.3 Definitions.
§ 38.4 Miscellaneous instructions.
§ 38.21 General.
§ 38.23 Mobility aid accessibility.

§ 38.25 Doors, steps and thresholds.
§ 38.27 Priority seating signs.
§ 38.29 Interior circulation, handrails and stanchions.
§ 38.31 Lighting.
§ 38.33 Fare box.
§ 38.35 Public information system.
§ 38.37 Stop request.
§ 38.39 Destination and route signs.
§ 38.51 General.
§ 38.53 Doorways.
§ 38.55 Priority seating signs.
§ 38.57 Interior circulation, handrails and stanchions.
§ 38.59 Floor surfaces.
§ 38.61 Public information system.
§ 38.63 Between-car barriers.
§ 38.71 General.
§ 38.73 Doorways.
§ 38.75 Priority seating signs.
§ 38.77 Interior circulation, handrails and stanchions.
§ 38.79 Floors, steps and thresholds.
§ 38.81 Lighting.
§ 38.83 Mobility aid accessibility.
§ 38.85 Between-car barriers.
§ 38.87 Public information system.
§ 38.171 General.
§ 38.173 Automated guideway transit vehicles and systems.
§ 38.179 Trams, and similar vehicles, and systems.
Figures to Part 38.
Appendix to Part 38—Guidance Material.

(e) **Incorporated Standard from the Architectural Barriers Act Accessibility Standards ("ABAAS") (May 17, 2005).** The following standard from the ABAAS is adopted as a standard and hereby incorporated as a regulation by reference as though stated in detail herein:

§ F202.6 Leases.
PART 2—MATTERS PERTAINING TO INVESTIGATION AND PROSECUTION OF CHARGES OF DISCRIMINATION.
§ 2.101 PURPOSE AND SCOPE
§ 2.102 DEFINITIONS
§ 2.103 INVESTIGATORY AUTHORITY
§ 2.104 MEDIATION
§ 2.105 COMPLAINT
§ 2.106 INTERVENTION BY CHARGING INDIVIDUAL
§ 2.107 REMEDIES AND COMPLIANCE
§ 2.108 JUDICIAL REVIEW

§ 2.101 Purpose and scope.

Section 210(d) of the CAA requires that the General Counsel accept and investigate charges of discrimination filed by qualified individuals with disabilities who allege a violation of Title II or Title III of the ADA by a covered entity. Part 2 of these regulations contains the provisions pertaining to investigation and prosecution of charges of discrimination.

§ 2.102 Definitions.

(a) ***Charge*** means any written document from a qualified individual with a disability or that individual's designated representative which suggests or alleges that a covered entity denied that individual the rights and protections against discrimination in the provision of public services and accommodations provided in Section 210(b)(1) of the CAA.

(b) ***File a charge*** means providing a charge to the General Counsel in person, by mail, or by electronic transmission. Charges shall be filed within 180 days of the occurrence of the alleged violation.

(c) ***The occurrence of the alleged violation*** means the date on which the charging individual was allegedly discriminated against.

(d) ***The rights and protections against discrimination in the provision of public services and accommodations*** means all of the rights and protections provided by Section 210(b)(1) of the CAA through incorporation of Sections 201 through 230, 302, 303, and 309 of the ADA and by the regulations issued by the Board to implement Section 210 of the CAA.

§ 2.103 Investigatory Authority.

(a) **Investigatory Methods.** When investigating charges of discrimination and conducting inspections, the General Counsel is authorized to use all the modes of inquiry and investigation traditionally employed or useful to execute this investigatory authority. The authorized methods of investigation include, but are not limited to, the following: (1) requiring the parties to provide or produce ready access to: all physical areas subject to an inspection or investigation, individuals with relevant knowledge concerning the inspection or investigation who can be interviewed or questioned, and documents pertinent to the investigation; and (2) requiring the parties to provide written answers to questions, statements of position, and any other information relating to a potential violation or demonstrating compliance.

(b) **Duty to Cooperate with Investigations.** Charging individuals and covered entities shall cooperate with investigations conducted by the General Counsel. Cooperation includes providing timely responses to reasonable requests for information and documents (including the making and retention of copies of records and documents), allowing the General Counsel to review documents and interview relevant witnesses confidentially and without managerial interference or influence, and granting the General Counsel ready access to all facilities where covered services, programs and activities are being provided and all places of public accommodation.

§ 2.104 Mediation.

(a) **Belief that violation may have occurred.** If, after investigation, the General Counsel believes that a violation of the ADA may have occurred and that mediation may be helpful in resolving the dispute, prior to filing a complaint, the General Counsel may request, but not participate in, mediation under subsections (b) through (d) of Section 403 of the CAA between the charging individual and any entity responsible for correcting the alleged violation.

(b) **Settlement.** If, prior to the filing of a complaint, the charging individual and the entity responsible for correcting the violation reach a settlement agreement that fully resolves the dispute, the General Counsel shall close the investigation of the charge without taking further action.

(c) **Mediation Unsuccessful.** If mediation under (a) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of the ADA may have occurred, the General Counsel may file with the Office a complaint against any entity responsible for correcting the violation.

§ 2.105 Complaint.

The complaint filed by the General Counsel shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of Section 405 of the CAA. The decision of the hearing officer shall be subject to review by the Board pursuant to Section 406 of the CAA.

§ 2.106 Intervention by Charging Individual.

Any person who has filed a charge may intervene as of right, with the full rights of a party, whenever a complaint is filed by the General Counsel.

§ 2.107 Remedies and Compliance.

(a) **Remedy.** The remedy for a violation of Section 210 of the CAA shall be such remedy as would be appropriate if awarded under Section 203 or 308(a) of the ADA.

(b) **Compliance Date.** Compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

§ 2.108 Judicial Review.

A charging individual who has intervened or any respondent to the complaint, if aggrieved by a final decision of the Board, may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to Section 407 of the CAA.

PART 3—MATTERS PERTAINING TO PERIODIC INSPECTIONS AND REPORTING.
§ 3.101 PURPOSE AND SCOPE
§ 3.102 DEFINITIONS
§ 3.103 INSPECTION AUTHORITY
§ 3.104 REPORTING, ESTIMATED COST & TIME, AND COMPLIANCE DATE

§ 3.101 Purpose and scope.

Section 210(f) of the CAA requires that the General Counsel, on a regular basis, at least once each Congress, inspect the facilities of covered entities to ensure compliance with the Titles II and III of the ADA and to prepare and submit a report to Congress containing the results of the periodic inspections, describing any violations, assessing any limitations in accessibility, and providing the estimated cost and time needed for abatement. Part 3 of these regulations contains the provisions pertaining to these inspection and reporting duties.

§ 3.102 Definitions.

(a) ***The facilities of covered entities*** means all facilities used to provide public programs, activities, services or accommodations that are designed, maintained, altered or constructed by a covered entity and all facilities where covered entities provide public programs, activities, services or accommodations.

(b) ***Violation*** means any barrier to access caused by noncompliance with the applicable standards.

(c) ***Estimated cost and time needed for abatement*** means cost and time estimates that can be reported as falling within a range of dollar amounts and dates.

§ 3.103 Inspection authority.

(a) **General scope of authority.** On a regular basis, at least once each Congress, the General Counsel shall inspect the facilities of covered entities to ensure compliance with Titles II and III of the ADA. When conducting these inspections, the General Counsel has the discretion to decide which facilities will be inspected and how inspections will be conducted. The General Counsel may receive requests for ADA inspections, including anonymous requests, and conduct inspections for compliance with Titles II and III of the ADA in the same manner that the General Counsel receives and investigates requests for inspections under Section 215(c)(1) of the CAA.

(b) **Review of information and documents.** When conducting inspections under Section 210(f) of the CAA, the General Counsel may request, obtain, and review any and all information or documents deemed by the General Counsel to be relevant to a determination of whether the covered entity is in compliance with Section 210 of the CAA.

(c) **Duty to cooperate.** Covered entities shall cooperate with any inspection conducted by the General Counsel in the manner provided by § 2.103(b).

(d) **Pre-construction review of alteration and construction projects.** Any project involving alteration or new construction of facilities of covered entities are subject to inspection by the General Counsel for compliance with Titles II and III of the ADA during

the design, pre-construction, construction, and post construction phases of the project. The Office of the Architect of the Capitol shall, within one year from the effective date of these regulations, develop a process with the General Counsel to identify potential barriers to access prior to the completion of alteration and construction projects that may include the following provisions:

(1) Design review or approval;

(2) Inspections of ongoing alteration and construction projects;

(3) Training on the applicable ADA standards;

(4) Final inspections of completed projects for compliance; and

(5) Any other provision that would likely reduce the number of ADA barriers in alterations and new construction and the costs associated with correcting them.

§ 3.104 Reporting, estimating cost & time, and compliance date.

(a) **Reporting duty.** On a regular basis, at least once each Congress, the General Counsel shall prepare and submit a report to Congress containing the results of the periodic inspections conducted under § 3.103(a), describing any violations, assessing any limitations in accessibility, and providing the estimated cost and time needed for abatement.

(b) **Estimated cost & time.** Covered entities shall cooperate with the General Counsel by providing information needed to provide the estimated cost and time needed for abatement in the manner provided by § 2.103(b).

(c) **Compliance date.** All barriers to access identified by the General Counsel in its periodic reports shall be removed or otherwise corrected as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the report describing the barrier to access was issued by the General Counsel.

Recommended Method of Approval:

The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

Signed at Washington, D.C., on this 3rd day of February, 2016.

BARBARA L. CAMENS,
CHAIR OF THE BOARD, OFFICE OF COMPLIANCE.

ENDNOTES

1. 28 C.F.R. § 36.201(b) reads as follows: ''Landlord and tenant responsibilities. Both the landlord who owns the building that houses a place of public accommodation and the tenant who owns or operates the place of public accommodation are public accommodations subject to the requirements of this part. As between the parties, allocation of responsibility for complying with the obligations of this part may be determined by lease or other contract.''

2. The DOJ's illustrations and descriptions in its Technical Assistance Manuals regarding compliance with Titles II and Title III by tenants and landlords make this clear. See, U.S. Dept. of Justice, ADA Title III Technical Assistance Manual § III.–1.2000 (Nov. 1993) (''The title III regulation permits the landlord and the tenant to allocate responsibility, in the lease, for complying with particular provisions of the regulation. However, any allocation made in a lease or other contract is only effective as between the parties, and both landlord and tenant remain fully liable for compliance with all provisions of the ADA relating to that place of public accommodation.''); U.S. Dept. of Justice, ADA Title II Technical Assistance Manual § II.–1.3000 (Nov. 1993) (Both manuals are available online at www.ada.gov). Also see, Gabreille P. Whelan, Comment, The ''Public Access'' Provisions of Title III of the Americans with Disabilities Act, 34 Santa Clara L. Rev. 215, 217–18 (1993).

3. Several commenters correctly noted that the NPRM contains a technical error because the year (2004) was omitted from the C.F.R. citation, which was a potential source of confusion because the regulation was removed from the C.F.R. in 2004 when the substance of the regulation became part of the ABA Guidelines at § F202.6. Fortunately, all of the commenters were sufficiently able to ascertain the subject matter of the proposed regulation to participate fully in the rulemaking process by providing detailed comments about the proposed regulation, which is all that is required of a NPRM. See e.g., Am. Iron & Steel Inst. v. EPA, 568 F.2d 284, 293 (3d Cir. 1977); United Steelworkers v. Marshall, 647 F.2d 1189, 1121 (D.C. Cir. 1980); and Am. Med. Ass'n v. United States, 887 F.2d 760, 767 (7th Cir. 1989).

4. Under § F202.6 of the ABAAG, ''Buildings or facilities for which new leases are negotiated by the Federal government after the effective date of the revised standards issued pursuant to the Architectural Barriers Act, including new leases for buildings or facilities previously occupied by the Federal government, shall comply with F202.6.'' F202.6 then proceeds to describe the requirements for an accessible route to primary function areas, toilet and bathing facilities, parking, and other elements and spaces. The ABAAG became the ABA Accessibility Standards (''ABAAS'') on May 17, 2005 when the GSA adopted them as the standards. See 41 C.F.R. § 102 76.65(a) (2005).

5. These features include at least one accessible route to primary function areas, at least one accessible toilet facility for each sex (or an accessible unisex toilet facility if only one toilet is provided), accessible parking spaces, and, where provided, accessible drinking fountains, fire alarms, public telephones, dining and work surfaces, assembly areas, sales and service counters, vending and change machines, and mail boxes.

RESEARCH EXCELLENCE AND ADVANCEMENTS FOR DYSLEXIA ACT

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 3033 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3033) to require the President's annual budget request to Congress each year to include a line item for the Research in Disabilities Education program of the National Science Foundation and to require the National Science Foundation to conduct research on dyslexia.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Lee-Murray amendment, which is at the desk, be agreed to; I ask that the bill, as amended, be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 3279) was agreed to, as follows:

(Purpose: To amend the National Science Foundation program on research on the science of dyslexia.)

Strike section 4 of the bill and insert the following:

SEC. 4. DYSLEXIA.

(a) IN GENERAL.—Consistent with subsection (c), the National Science Foundation shall support multi-directorate, merit-reviewed, and competitively awarded research on the science of specific learning disability, including dyslexia, such as research on the early identification of children and students with dyslexia, professional development for teachers and administrators of students with dyslexia, curricula and educational tools needed for children with dyslexia, and implementation and scaling of successful models of dyslexia intervention. Research supported under this subsection shall be conducted with the goal of practical application.

(b) AWARDS.—To promote development of early career researchers, in awarding funds under subsection (a) the National Science Foundation shall prioritize applications for funding submitted by early career researchers.

(c) COORDINATION.—To prevent unnecessary duplication of research, activities under this Act shall be coordinated with similar activities supported by other Federal agencies, including research funded by the Institute of Education Sciences and the National Institutes of Health.

(d) FUNDING.—The National Science Foundation shall devote not less than $5,000,000 to research described in subsection (a), which shall include not less than $2,500,000 for research on the science of dyslexia, for each of fiscal years 2017 through 2021, subject to the availability of appropriations, to come from amounts made available for the Research and Related Activities account or the Education and Human Resources Directorate under subsection (e). This section shall be carried out using funds otherwise appropriated by law after the date of enactment of this Act.

(e) AUTHORIZATION.—For each of fiscal years 2016 through 2021, there are authorized out of funds appropriated to the National Science Foundation, $5,000,000 to carry out the activities described in subsection (a).

SEC. 5. DEFINITION OF SPECIFIC LEARNING DISABILITY.

In this Act, the term ''specific learning disability''—

(1) means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations;

(2) includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia; and

(3) does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 3033), as amended, was passed.

ORDERS FOR THURSDAY, FEBRUARY 4, 2016

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, February 4; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate then resume consideration of S. 2012; finally, that the time until 11 a.m. be equally divided between the two managers or their designees.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:23 p.m., adjourned until Thursday, February 4, 2016, at 10 a.m.