E. Subcommittee subpoenas. Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chairman, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the Chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The Chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information concerning the Nominee. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the Chairman or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a Majority investigator or investigators shall be designated by the Chairman and a Minority investigator or investigators shall be designated by the Ranking Minority Member. The Chairman, Ranking Minority Member, other Members of the Committee, and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the Chairman, the Ranking Minority Member, or other Members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the U.S. Government Accountability Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the Chairman and the Ranking Minority Member and, upon request, to any other Member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to prehearing questions submitted by the Committee; and, if applicable, the report described in subsection (D) has been made to the Chairman and Ranking Minority Member, and is available to other Members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the Chairman and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

I. accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104–1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

RULE 10. APPRAISAL OF COMMITTEE BUSINESS

The Chairman and Ranking Minority Member shall keep each other apprised of hearings, investigations, and other Committee business.

INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION ACT AMENDMENTS OF 2015

Mr. BARRASSO. Mr. President, yesterday I introduced the Indian Tribal Energy Development and Self-Determination Act Amendments of 2015.

In recent years, the Committee on Indian Affairs has received concerns from Indian tribes and the energy industry that the Federal laws governing the development of tribal energy resources are complex and often lead to significant costs, delays and uncertainty for all parties. These costs, delays and uncertainties discourage development of tribal energy resources and drive investments away from tribal lands.

According to the National Congress of American Indians, Indian tribes hold nearly a quarter of American onshore oil and gas reserves. Yet, existing tribal energy production represents less than 5 percent of the current national production. If we can remove the costs and delays of developing energy on Indian lands, we could potentially see the country's energy production, and thus energy independence, increase significantly.

Nearly 10 years ago, Congress passed the Indian Tribal Energy Development and Self-Determination Act. This act created a new, alternative process for Indian tribes to take control of developing their energy resources on their own lands without the burdens of administrative review, approval, and oversight.

This approach gives Indian tribes the option to enter into tribal energy resource agreements with the Secretary of the Interior. Once an Indian tribe enters into this agreement, it has the authority to enter into subsequent leases, business agreements, and rights-of-way affecting energy development, without further review and approval by the Secretary—a significant

departure from the standard laws, and consequent bureaucracy, applicable to tribal contracts.

That law was a step in the right direction. However, these agreements have not been utilized to the extent that they could be, primarily because the implementation of the act has been made more complex than it should be.

It is past time we make key improvements to the law so that Indian tribes can take advantage of these agreements and significantly reduce bureaucratic burdens to energy development. Years of consultation and outreach to Indian tribes have produced targeted solutions to address the concerns about the process for entering these agreements. The bill that I am introducing today would streamline the process for approving the tribal energy resource agreements and make it more predictable for Indian tribes.

I would like to highlight some of the key provisions in this bill. This bill includes a number of amendments to improve the review and approval process for the tribal energy resource agreements. For example, the bill provides clarity regarding the specific information required for tribal applications for these agreements.

In addition, the bill sets forth specific time frames for Secretarial determinations on the agreement applications. Moreover, if an application is disapproved, this bill would require the Secretary of the Interior to provide detailed explanations to the Indian tribe and steps for addressing the reasons for disapproval.

The bill has various provisions that would improve technical assistance and consultation with Indian tribes during their energy planning and development stages. It also includes an amendment to the Federal Power Act that would put Indian tribes on a similar footing with States and municipalities for preferences when preliminary permits or original licenses for hydroelectric projects are issued.

Additionally, this bill would allow Indian tribes and third parties to perform appraisals to help expedite the Secretary's approval process for tribal agreements for mineral resource development.

My bill does not focus on only traditional resource development, but includes renewal resource development components as well. For example, the bill would create tribal biomass demonstration projects to provide Indian tribes with more reliable and potentially long-term supplies of woody biomass materials.

This bill is intended to provide Indian tribes with the tools to develop and use energy more efficiently. In passing this bill, Congress will enhance the ability of Indian tribes to exercise self-determination over the development of energy resources located on tribal lands, thereby improving the lives and economic well-being of Native Americans.

Before I conclude, I would like to thank Senators TESTER, MCCAIN, HOEVEN, ENZI, and FISCHER for joining me in cosponsoring this bipartisan bill. I urge my colleagues to join me in advancing this bill expeditiously.

IT'S TIME TO FIX NO CHILD LEFT BEHIND

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my remarks at yesterday's Senate Health, Education, Labor and Pensions Committee hearing be printed in the RECORD.

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

IT'S TIME TO FIX NO CHILD LEFT BEHIND

Since this is the first hearing of the committee in this 114th Congress, I have some preliminary remarks.

This committee touches almost every American.

No committee is more ideologically diverse and none is more productive. In the last Congress, 25 bills passed out of this committee became laws.

That's because we worked with Chairman Harkin on areas of agreement.

I look forward to working in the same way with Ranking Member Murray in this Congress. She is direct, well-respected, she cares about people and is results-oriented.

We are going to have an open process, which means we're going to have a full opportunity for discussion and for amendments. Not just in the committee, but on the floor. In the last two congresses, we reported a bill, but it didn't make it to the floor.

This congress, we hope to have a bipartisan bill coming out of committee—but even if we don't, the bill will go to the floor and it will have to get 60 votes on the floor, 60 votes to go to conference, 60 votes to get out of conference, and then the president will have his say. We hope to get his signature and get a result.

Next, the schedule:

Let me start with some unfinished business:

Fixing NCLB: This is way overdue, it expired more than 7 years ago. We posted a working draft on the website last week, already feedback is coming in—not just from Congress but from around the country. We have several more weeks of hearings and meetings. We hope to have a bill ready for floor by end of February. The House expects to have its bill on the floor by the end of February.

Reauthorizing the Higher Education Act: This is, for me, about deregulating higher education making rules simpler and more effective. Also, finishing the work we did on student loans in the last congress. Our first hearing on the deregulation task force formed by Senators Mikulski, Burr, and Bennet and me is on Tuesday, February 24.

As rapidly and responsibly as we can, we want to repair the damage of Obamacare and provide more Americans with health insurance that fits their budgets. Our first hearing is tomorrow on the 30 to 40 hour workweek—the bill introduced by Senators Collins, Donnelly, Murkowski and Manchin. We will report our opinions to the Finance committee.

Then, some new business:

Let's call it 21st Century Cures—that's what the House calls it, as it finishes its work this spring. The president is also interested. What we're talking about is getting to market more rapidly, while still safe, medicines, treatments and medical devices. There is a lot of interest in this and we'll start staff working groups soon.

There will be more in labor, pensions, education, health but those are major priorities and that is how we start.

The president has also made major proposals on early childhood education and community college. These are certainly relevant to K–12, but we've always dealt with them separately. It's difficult for me to see how we make these issues part of this reauthorization.

Now to today's hearing: Last week Secretary Duncan called for law to be fixed. Almost everyone seems to agree with that—it's more than 7 years overdue.

We've been working on it for more than 6 years. When we started, former Rep. George Miller said, Pass a lean bill to fix No Child Left Behind, and we identified a small number of problems.

Since then, we've had 24 hearings, and in each of the last two Congresses we've reported bills out of committee.

Senators should know issues by now, 20 of 22 were here in the last congress, 16 of 22 were here in the previous congress.

One reason it needs to be fixed is that NCLB has become unworkable.

Under its original provisions, almost all of America's 100,000 public schools would be labeled a ''failing school.''

To avoid this unintended result, the U. S. Secretary of Education has granted waivers from the law's provisions to 43 states—including Washington, which has since had its waiver revoked—as well as the District of Columbia and Puerto Rico.

This has created a second unintended result, at least unintended by Congress, which stated in law that no federal official should ''exercise any direction, supervision or control over curriculum, program or instruction or administration of any educational institution.''

Nevertheless, in exchange for the waivers, the Secretary has told states what their academic standards should be, how states should measure the progress of students toward those standards, what constitutes failure for schools and what the consequences of failure are, how to fix low-performing schools, and how to evaluate teachers. The Department has become, in effect, a national school board. Or, as one teacher told me, it has become a national Human Resources Department for 100,000 public schools.

At the center of the debate about how to fix No Child Left Behind is what to do about the federal requirement that states annually administer 17 standardized tests with high-stakes consequences. Educators call this an accountability system.

Are there too many tests? Are they the right tests? Are the stakes for failing them too high? What should Washington, D.C. have to do with all this?

Many states and school districts require schools to administer additional tests.

This is called a hearing for a reason. I have come to listen.

The Chairman's staff discussion draft I have circulated includes two options on testing:

Option 1 gives flexibility to the states to decide what to do on testing.

Option 2 maintains current law testing requirements.

Both options would continue to require annual reporting of student achievement, disaggregated by subgroups of children.

Washington sometimes forgets—but governors never do—that the federal government has limited involvement in elementary and secondary education, contributing only 10 percent of the money that public schools receive.

For 30 years the real action has been in the states.

I have seen this first hand.