

meet the same standard. This bill still allows for 1 percent of students to take an alternate assessment, but it requires the majority of special education students, or students with learning disabilities, to be tested against their nondisabled peers. They will have to compete against their nondisabled peers in the workforce, so they should be measured against their nondisabled peers while they are in the school system. Those are all important wins as well.

In the end, as someone who was educated in the public school system and spent his lifetime around teachers, I know that No Child Left Behind not only sucked the effectiveness out of schools, but it also sucked the joy out of learning and teaching because so much of it was driven toward that test which became the only measurement of what a good school is.

I am a parent who is deeply involved in looking at schools and deciding which one is right for my kid. While I pay attention to the test scores that come out of that school, that is not the beginning and end of my analysis. I take careful pains to meet with the administrators, talk to other parents, look at their curriculum, and look at other measurements, such as attendance and graduation rates, in order to build a full picture of what a good school is.

Now States will be able to devise systems of measuring schools that mirror the way almost every responsible parent measures schools—in a comprehensive, robust way that doesn't just look at that test. Perhaps more importantly, as we try to grow a healthy economy that recognizes the strengths we have and the quality of our workforce under this new law, the Every Child Succeeds Act, we will be able to create a new generation that will have great innovators, great leaders, great mold breakers, and not just great test takers.

Congratulations to Senator ALEXANDER and Senator MURRAY, and many others, like Senator BOOKER and Senator WARREN, who worked closely with me on the accountability provisions.

This is a really important day for teachers, students, and parents all across the country. It is also a pretty good day for us when we get to come together and do something very important in a bipartisan pay way.

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.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

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

## BIPARTISAN SPORTSMEN'S ACT

Ms. MURKOWSKI. Mr. President, I have come to the floor to speak about a measure that has moved through the Energy and Natural Resources Committee. This legislation is a pretty significant bipartisan accomplishment and I would like to share our progress with my colleagues.

On November 19, our committee reported S. 556. We refer to it as the Sportsmen's Act. This is a measure I have been working on, and we were able to report it out by voice vote. This is a bill that would benefit millions of sportsmen and sportswomen all across our country. It includes some key items within our jurisdiction that are part of a broader Sportsmen's package. That portion is being worked on by another committee. I have been working on our iteration of this bill with Senator HEINRICH of New Mexico, and I truly appreciate his leadership, his support, and his guidance on this measure.

As many Members in this Chamber are aware, the broader Sportsmen's bill has had a long history of bipartisan support in the Senate, but year after year it has failed to advance for a host of different reasons. It has been the victim of political brinkmanship in what for years was a Chamber that wasn't working, but I think this year is different. I outlined some of the successes yesterday when I came to speak on the floor and I think we are getting back to regular order. The committees are working hard—certainly the Energy and Natural Resources Committee is working hard—and we are working to advance legislation to go to the floor, whether it is this Sportsmen's bill or whether it is our Energy Policy Modernization Act that we reported out of the committee on an 18-to-4 margin back in July.

Our Sportsmen's Act is the latest example of a bipartisan bill that encompasses both good policy and good process. I think both of those are key. Staff from both sides of our committee—and the Sportsmen's Caucus, which is led by Senator RISCH and Senator MANCHIN, worked diligently with outside stakeholders to improve and refine the bill. So I want to briefly summarize some of the contents found within the Sportsmen's Act.

First, we included a congressional declaration of national policy to require all Federal agencies and departments to facilitate the expansion and the enhancement of hunting, fishing, and recreational shooting on Federal lands. This is our clear goal. It is a pretty clear and explicit direction for the executive branch.

The next component within the bill—and this is the heart of the bill—is a provision we are referring to as “open unless closed.” Through these, we are setting a new national standard, and that standard is that our Federal lands will be open unless they are closed. They are going to be open unless they are closed, not closed due to bureaucratic inertia. What we are trying to do

is pretty simple. We are trying to allow all Americans to be able to access and enjoy their public lands. Under our bill, if Federal lands are going to be closed even temporarily, agencies will have to notify the public and provide opportunities for meaningful public comment. The agencies, whether they are the BLM or the Forest Service, will need to justify any proposed closures and address issues that have been raised by the public.

Our bill will also prevent temporary closures from becoming permanent by limiting any of these designations to just 180 days. Currently the BLM can close lands for 2 years and does not guarantee the opportunity for any public comment. BLM has acknowledged to us that they regularly implement what they call temporary closures while they prepare the paperwork to make them permanent. My Sportsmen's Act will allow BLM and the Forest Service to renew temporary closures, but they can only do it up to three times. Each and every time they do so, we are going to require them to engage in a public comment and notification process. What this “open unless closed” policy does is it reverses the practice of public lands being closed until opened or closed altogether. As a result of it, our sportsmen and sportswomen will have increased access to our public lands, they will have a real voice in decisions regarding any temporary closure, and they will also receive justifications for any temporary closures that are deemed necessary. So we are providing a more fulsome public process but also a more genuine opportunity for access to our public lands.

My Sportsmen's bill also addresses concerns raised about the unnecessary difficulty of securing permission for commercial filming on our public lands. Among other steps in the bill, we require the publication of a single joint land use fee schedule within 180 days, but we also say there are small crews that shouldn't have to go through this big riggerole and pay this big fee. So small film crews of three or fewer people will be exempt from having to pay a fee.

I have heard a lot of stories about the horrors some of our outfitters or guides have experienced while they were trying to film some kind of promo-type material on a trip. Agencies are making them jump through hoops by telling them that they need a separate permit and have to pay additional fees. It gets to the point where you can't take a video or a picture on our public lands. That is just wrong. These folks already have a permit to be out there, and filming may be incidental to that.

In this bill we ensure that small crews and businesses can film on public lands without having to pay to do it. That seems pretty reasonable and fair to me. We also protect First Amendment rights by preventing content from becoming a factor in issuing permits, and we protect free speech by clarifying that journalism is not commercial activity.

Some might say: What is this issue all about? Think about it. If you have an agency that doesn't want to have filming or pictures in a certain part of a wilderness area or certain part of public land because a different story might be told that doesn't fit with the agency's view, that is not right. This bill will ensure that we are not going to regulate content in terms of whether or not a permit is issued.

I will give a specific example of why this is needed. Back in 2014, a producer for Oregon Public Broadcasting wanted to film a piece in the Willamette National Forest to commemorate the 50th anniversary of the Wilderness Act. To ensure that the piece had the "primary purpose of dissemination of information about the use and enjoyment of wilderness," officials from the Forest Service asked to review the script. They wanted to look at the script before issuing a permit. That was not right. I believe giving Federal officials veto power over content can have a very chilling effect on journalism.

The final title of the Sportsmen's Act—this is a new title we came up with in committee—provides for reforms in the Land and Water Conservation Fund—LWCF. The reforms in the bill do not go as far as I would like to see them go, but they do reflect what our committee could agree on.

We also agreed to reauthorize the Historic Preservation Fund and to create a fund to address the maintenance backlog at the National Park Service. This is the same language we included in the broad, bipartisan Energy bill back in July—the same language now incorporated as part of the sportsmen's bill.

As I said before, my own proposal to reauthorize LWCF would look different from what our committee reported. When LWCF was created decades ago, monies were to be allocated each year so that Federal agencies would receive no less than 40 percent. States were to receive 60 percent. But what has happened in the ensuing years is that now nearly 85 percent of LWCF dollars have gone to Federal land acquisition, and we are not seeing the original congressional intent being met. Again, keep in mind that when LWCF was first created, it was going to be so that Federal agencies would get about 40 percent and States would get about 60 percent. We have now turned that on its head.

What our LWCF title does is recognize that States are leaders on recreation and conservation. Our reforms are trying to restore balance to the State-Federal split by ensuring that at least 40 percent of LWCF dollars are allocated to States for the State-based programs, including the traditional stateside program. This is an improvement, in my mind, but doesn't go far enough to restore the original congressional intent.

The title also recognizes the importance of accessing existing Federal lands and sets aside the greater of 1.5 percent or \$10 million per year to im-

prove access for sportsmen. This is an important provision for our sports men and women.

Like many western Members, I remain concerned about Federal acquisition. In Alaska, close to 63 percent of our lands are already controlled by the Federal Government. To begin to address the issue, the LWCF title also emphasizes conservation easements. This will keep lands in private ownership as working lands and will require agencies to take into account certain considerations when acquiring lands, including whether the acquisition would result in management efficiencies and cost savings.

To prioritize the backlog of deferred maintenance needs, this title establishes a National Park Service Maintenance and Revitalization Conservation Fund. This fund will help shift our focus to a more appropriate place, which is taking care of the lands we already have rather than an endless acquisition of new acreage.

Our country is fortunate to have an abundance of lands that are designated for recreation, conservation, and preservation. It is time we reached a consensus on how to care for and how to manage them. I believe we can do that best by allocating more than 40 percent of the LWCF to State-based programs.

People on the ground, who see what is happening day in and day out, provide the greatest insight into management, and we should recognize that. We should pair increased funding for State-based programs with increased authority for States to manage public lands. And we should consider giving Governors a say on Federal land acquisitions. After all, these are their States we are talking about—and opportunities for all sorts of activities on their land—are often affected by these decisions.

The LWCF reforms in the sportsmen's bill are a step in the right direction. I believe they provide a greater framework for further discussion. If we work hard and work together, we can agree on additional reforms to make LWCF even more effective in the years to come.

Those of us on the Energy and Natural Resources Committee have now completed our work on the Sportsmen's Act, and that brings us to the next step, which will be taken by our friends on the Environment and Public Works Committee. They are now considering a separate bill, S. 659, with provisions that are jurisdictional to them. I think it is fair to say that EPW's portion of the sportsmen's bill is also quite vital.

As I wrap up, there is one provision I would like to call attention to briefly, and that is the reauthorization of the North American Wetlands Conservation Act. The NAWCA program helps conserve waterfowl, fish, and wildlife through partnerships involving governments, nonprofits, and community groups. In Alaska, we are not in any danger of running out of wetlands and

this program has funded a lot of good wetlands projects in my State. For example, on the Kenai Peninsula, partners in the private sector provided \$1.6 million to match and exceed an \$800,000 grant provided through NAWCA. Those funds were then used to implement habitat protection for over 300 acres of land along the Kenai River.

I think it is important that we reauthorize this program and provide funding to it so we can see important work like this continue, particularly in States that have fewer wetlands and thus have greater need for conservation.

NAWCA is just one of the provisions the EPW Committee can and hopefully will report in the future. Once their work is complete, all who support America's sportsmen and sportswomen and all of us here in the Senate who are sports men and women ourselves, should look forward to considering the full Sportsmen's Act here on the floor next year.

I am pleased that we are on a better track for this legislation in the 114th Congress. I again thank the many Members who have worked with us to get S. 556 to where it is today. As a result of this good work, millions of hunters, fishermen, recreational shooters, and other outdoor enthusiasts will soon have greater access and greater opportunities on our public lands and Federal lands, and I think that is something we should all be proud to support.

Mr. President, I see that my colleague from New Jersey is here. I think my time has expired. I do have a further statement about a truly mighty Alaskan leader who has been known throughout the education community in the State of Alaska who passed just yesterday at the age of 100. The death of Sidney Huntington in Galena, AK, is news that has brought great sadness to us all.

In deference to my colleague from New Jersey and in recognizing his time, I would like to come back to the floor later this afternoon and provide tribute to a great man who provided so much in terms of leadership and direction to so many, whether they be Alaskan Native children in the small, remote, rural communities or in our urban centers. It is fair to say that as of yesterday, we have lost a great Alaskan, and our hearts go out to him and his family. I look forward to coming back to the floor later to provide greater tribute to the great Sidney Huntington.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

#### ZADROGA BILL FUNDING

Mr. MENENDEZ. Mr. President, as we are all awaiting those who are negotiating a multibillion-dollar omnibus package and tax extender package, I wanted to come to the floor at this time of the year, as we approach the