

(Mr. COTTON) was added as a cosponsor of S. 268, 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. 272

At the request of Mr. SCHATZ, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 272, a bill to enhance the security operations of the Transportation Security Administration and the stability of the transportation security workforce by applying a unified personnel system under title 5, United States Code, to employees of the Transportation Security Administration who are responsible for screening passengers and property, and for other purposes.

S. 301

At the request of Mr. LANKFORD, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 301, a bill to amend the Public Health Service Act to prohibit governmental discrimination against providers of health services that are not involved in abortion.

S. 324

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S.J. RES. 8

At the request of Mr. UDALL, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S.J. Res. 8, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S.J. RES. 16

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. CRUZ, Mr. BOOZMAN, Mr. CRAPO, Mr. FLAKE, Mr. ROBERTS, and Mr. WICKER):

S. 375. A bill to amend the Endangered Species Act of 1973 to establish a procedure for approval of certain settlements; to the Committee on Environment and Public Works.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—

(1) by redesignating—

(A) paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) paragraphs (5) through (10) as paragraphs (7) through (12), respectively; and

(C) paragraphs (12) through (21) as paragraphs (13) through (22), respectively;

(2) by adding before paragraph (2) (as so redesignated) the following:

“(1) AFFECTED PARTIES.—The term ‘affected party’ means any person, including a business entity, or any State, tribal government, or local subdivision the rights of which may be affected by a determination made under section 4(a) in a suit brought under section 11(g)(1)(C).”; and

(3) by adding after paragraph (5) (as so redesignated) the following:

“(6) COVERED SETTLEMENT.—The term ‘covered settlement’ means a consent decree or a settlement agreement in an action brought under section 11(g)(1)(C).”.

SEC. 2. INTERVENTION; APPROVAL OF COVERED SETTLEMENT.

Section 11(g) of the Endangered Species Act of 1973 (16 U.S.C. 1540) is amended—

(1) in paragraph (3), by adding at the end the following:

“(C) PUBLISHING COMPLAINT; INTERVENTION.—

“(i) PUBLISHING COMPLAINT.—

“(I) IN GENERAL.—Not later than 30 days after the date on which the plaintiff serves the defendant with the complaint in an action brought under paragraph (1)(C) in accordance with Rule 4 of the Federal Rules of Civil Procedure, the Secretary of the Interior shall publish the complaint in a readily accessible manner, including electronically.

“(II) FAILURE TO MEET DEADLINE.—The failure of the Secretary to meet the 30-day deadline described in subclause (I) shall not be the basis for an action under paragraph (1)(C).

“(ii) INTERVENTION.—

“(I) IN GENERAL.—After the end of the 30-day period described in clause (i), each affected party shall be given a reasonable opportunity to move to intervene in the action described in clause (i), until the end of which a party may not file a motion for a consent decree or to dismiss the case pursuant to a settlement agreement.

“(II) REBUTTABLE PRESUMPTION.—In considering a motion to intervene by any affected party, the court shall presume, subject to rebuttal, that the interests of that party would not be represented adequately by the parties to the action described in clause (i).

“(III) REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION.—

“(aa) IN GENERAL.—If the court grants a motion to intervene in the action, the court shall refer the action to facilitate settlement discussions to—

“(AA) the mediation program of the court; or

“(BB) a magistrate judge.

“(bb) PARTIES INCLUDED IN SETTLEMENT DISCUSSIONS.—The settlement discussions described in item (aa) shall include each—

“(AA) plaintiff;

“(BB) defendant agency; and

“(CC) intervenor.”;

(2) by striking paragraph (4) and inserting the following:

“(4) LITIGATION COSTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the court, in issuing any final order in any suit brought under para-

graph (1), may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

“(B) COVERED SETTLEMENT.—

“(i) CONSENT DECREES.—The court shall not award costs of litigation in any proposed covered settlement that is a consent decree.

“(ii) OTHER COVERED SETTLEMENTS.—

“(I) IN GENERAL.—For a proposed covered settlement other than a consent decree, the court shall ensure that the covered settlement does not include payment to any plaintiff for the costs of litigation.

“(II) MOTIONS.—The court shall not grant any motion, including a motion to dismiss, based on the proposed covered settlement described in subclause (I) if the covered settlement includes payment to any plaintiff for the costs of litigation.”; and

(3) by adding at the end the following:

“(6) APPROVAL OF COVERED SETTLEMENT.—

“(A) DEFINITION OF SPECIES.—In this paragraph, the term ‘species’ means a species that is the subject of an action brought under paragraph (1)(C).

“(B) IN GENERAL.—

“(i) CONSENT DECREES.—The court shall not approve a proposed covered settlement that is a consent decree unless each State and county in which the Secretary of the Interior believes a species occurs approves the covered settlement.

“(ii) OTHER COVERED SETTLEMENTS.—

“(I) IN GENERAL.—For a proposed covered settlement other than a consent decree, the court shall ensure that the covered settlement is approved by each State and county in which the Secretary of the Interior believes a species occurs.

“(II) MOTIONS.—The court shall not grant any motion, including a motion to dismiss, based on the proposed covered settlement described in subclause (I) unless the covered settlement is approved by each State and county in which the Secretary of the Interior believes a species occurs.

“(C) NOTICE.—

“(i) IN GENERAL.—The Secretary of the Interior shall provide each State and county in which the Secretary of the Interior believes a species occurs notice of a proposed covered settlement.

“(ii) DETERMINATION OF RELEVANT STATES AND COUNTIES.—The defendant in a covered settlement shall consult with each State described in clause (i) to determine each county in which the Secretary of the Interior believes a species occurs.

“(D) FAILURE TO RESPOND.—The court may approve a covered settlement or grant a motion described in subparagraph (B)(ii)(II) if, not later than 45 days after the date on which a State or county is notified under subparagraph (C)—

“(i)(I) a State or county fails to respond; and

“(II) of the States or counties that respond, each State or county approves the covered settlement; or

“(ii) all of the States and counties fail to respond.

“(E) PROOF OF APPROVAL.—The defendant in a covered settlement shall prove any State or county approval described in this paragraph in a form—

“(i) acceptable to the State or county, as applicable; and

“(ii) signed by the State or county official authorized to approve the covered settlement.”.

By Mr. CORNYN (for himself, Mr. CRUZ, Mr. CRAPO, Mr. DAINES, Mr. FLAKE, and Mr. ROBERTS):

S. 376. A bill to amend the Endangered Species Act of 1973 to require

publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes; to the Committee on Environment and Public Works.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “21st Century Endangered Species Transparency Act”.

SEC. 2. REQUIREMENT TO PUBLISH ON INTERNET BASIS FOR LISTINGS.

Section 4(b) of the Endangered Species Act (16 U.S.C. 1533(b)) is amended by adding at the end the following:

“(9) PUBLICATION ON INTERNET OF BASIS FOR LISTINGS.—The Secretary shall make publicly available on the Internet the best scientific and commercial data available that are the basis for each regulation, including each proposed regulation, promulgated under subsection (a)(1), except that, at the request of a Governor or legislature of a State, the Secretary shall not make available under this paragraph information regarding which the State has determined public disclosure is prohibited by a law of that State relating to the protection of personal information.”.

AUTHORITY FOR COMMITTEES TO MEET

Mr. THUNE. Mr. President, I have four requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, February 14, 2017, at 9:30 a.m.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on February 14, 2017, at 10 a.m., in order to conduct a hearing entitled “The Semiannual Monetary Policy Report to Congress.”

SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during

the session of the 115th Congress of the U.S. Senate on Tuesday, February 14, 2017, from 2 p.m. to 3:30 p.m., in room SH-219 of the Senate Hart Office Building.

SUBCOMMITTEE ON PERSONNEL

The Subcommittee on Personnel of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, February 14, 2017, at 2:30 p.m.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that floor privileges be granted this Congress for Darren Dodd, a detailee from the U.S. Secret Service, and Saleela Salahuddin, a detailee from the Department of Justice.

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

PROMOTING WOMEN IN ENTREPRENEURSHIP ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 5, H.R. 255.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (H.R. 255) to authorize the National Science Foundation to support entrepreneurial programs for women.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be considered 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 bill (H.R. 255) was ordered to a third reading, was read the third time, and passed.

INSPIRE WOMEN ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 6, H.R. 321.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 321) to inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time.

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

The bill was ordered to a third reading and was read the third time.

Mr. McCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 321) was passed.

Mr. McCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

ORDERS FOR WEDNESDAY, FEBRUARY 15, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, February 15; 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; further, that following leader remarks, the Senate resume consideration of H.J. Res. 40, as under the previous order.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. 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 5:59 p.m., adjourned until Wednesday, February 15, 2017, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 14, 2017:

SMALL BUSINESS ADMINISTRATION

LINDA E. MCMAHON, OF CONNECTICUT, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.