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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, May 6, 2014, at 12 noon.

Senate

MONDAY, MAY 5, 2014

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Almighty God, who has ordained that we live our lives within the bounds of time and circumstances, use Your omnipotence to accomplish Your purposes on Earth. Through the labors of our lawmakers, bring to pass the triumph of Your sovereign will. Lord, empower our Senators to face life's challenges with the strength You so generously provide. Let them not repeat the mistakes of yesterday in the life of today, nor in the life of today set any bad examples for the life of tomorrow. Fill us all with Your joy and peace, which no circumstance can take from us.

We pray in Your gracious Name. 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 368, S. 2262, the Shaheen-Portman energy efficiency legislation.

The PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 368, S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes.

SCHEDULE

Mr. REID. Following my remarks and those of the Republican leader, the Senate will be in morning business until 5:30 p.m. this evening. At that time there will be up to two rollcall votes, the first on confirmation of the Moritz nomination to be United States Circuit Judge for the Tenth Circuit, and the next on confirmation of the nomination of Peter A. Selfridge to be Chief of Protocol with the Department of State.

ELECTION OF ANDREW B. WILLISON

Mr. REID. Mr. President, I now send a resolution to the desk and ask unanimous consent that it be considered.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 434) electing Andrew B. Willison as the Sergeant at Arms and Doorkeeper of the Senate.

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

Mr. REID. This resolution, sponsored by Senators REID of Nevada and MCCONNELL, is important.

I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 434) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

NOTIFYING THE PRESIDENT OF THE UNITED STATES

NOTIFYING THE HOUSE OF REPRESENTATIVES

Mr. REID. I send two resolutions to the desk and ask unanimous consent for their immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 435) notifying the President of the United States of the election of a Sergeant at Arms and Doorkeeper of the Senate.

A resolution (S. Res. 436) notifying the House of Representatives of the election of a Sergeant at Arms and Doorkeeper of the Senate.

There being no objection, the Senate proceeded to consider the resolutions, en bloc.

Mr. REID. I ask unanimous consent that the resolutions be agreed to en bloc, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolutions (S. Res. 435 and S. Res. 436) were agreed to.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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(The resolutions are printed in today's RECORD under ''Submitted Resolutions.'')

Mr. REID. Mr. President, just moments ago we passed a resolution appointing Drew Willison as the Sergeant at Arms of the Senate. The importance of this appointment cannot be overstated. While Senators and their staffs come and go, the office of the Sergeant at Arms provides much needed stability to support this great institution.

To put things in perspective, Drew Willison is only the 39th Sergeant at Arms in the entire history of the Senate. That is 230 plus years. By contrast, there have been 1,950 Senators who have served in this body since its inception.

As the Senate Sergeant at Arms, Drew's duties include the security and safety of the 6,500 Senate employees, as well as the millions of visitors who come to the Capitol each year. Drew's predecessor, Terry Gainer, did a phenomenal job as Sergeant at Arms, and Drew is left with his big shoes to fill. Terry Gainer was not a partisan, nor is Drew Willison. That is how this office should function. I know he is up to the task.

As Booker T. Washington said, ''Nothing ever comes to one, that is worth having, except as a result of hard work.''

Even though Drew did not seek this position, it has come to him because of his hard work. He will thrive in the Sergeant at Arms office because of his work ethic. I know because I have witnessed his work over the years. He first came to my office a long time ago, in 1997. He was a fellow for the Environmental Protection Agency. His talents were seen very quickly by me and my staff. So then, rather than going back to the EPA, he became a member of my personal staff. Again, his talents were recognized immediately. I decided it would be important that he move to the Appropriations Committee. He became the chief clerk on our Subcommittee on Energy and Water Development and did a remarkably good job.

I mention his nonpartisan approach to what he did. During those years of his working for me—I can't speak for when he was there after I became inactive on that Appropriations Committee—but while I was there those many years—I was either the chairman or the ranking member of that committee for years. The person opposite me was Pete Domenici from New Mexico. It didn't matter who the chairman was, quite frankly. We worked so well together in those days when we worked together. We would finish the energy and water bill on the floor in one day. We would bring it out of committee and finish it in one day. We worked together. Drew Willison was the chief clerk, and when he wasn't the chief clerk, he was the second in command—whatever that is. We just breezed through that subcommittee—billions and billions of dollars, the safety and security of the nuclear arsenal we have, and so many different issues in that subcommittee that were important to the country, as they are today. But now we can't even—we have such difficulty at getting a bill passed. We did it then in one day—in just a few hours many times.

So Drew is really a talented man. He is a very quick learner. Everyone who has worked with him over the years came to the realization very quickly: Tell him what you want him to do; he did it with a smile, he did it well, and he did it right.

During my tenure with this good man, now the Sergeant at Arms, his talents were invaluable to the success of my office. For 5 years he has been the Deputy Sergeant at Arms. He has been Chief Gainer's right-hand man, and that is an understatement. He has done such a remarkably good job because of his hard work and his diligence. In the process, he has helped make this Capitol a better and safer place to work and to visit.

Now, as the mantel of leading the Sergeant at Arms office falls to him, I have no doubt that he will, once again, prove himself.

The Senate and the many people who visit and work in the Capitol are in good hands with Drew Willison at the helm. I wish him the very best. All I say to Drew Willison is to continue to be the person he has been and he will be a success as the Sergeant at Arms.

NATIONAL TRAVEL AND TOURISM WEEK

Mr. President, this week is National Travel and Tourism Week. As a Senator from Nevada, I know how important the travel and tourism industry is to this Nation. Las Vegas alone attracts more than 40 million visitors each year, and 8 million come from across the globe. All told, travel and tourism generates $45 billion in revenue for the Las Vegas economy while employing 400,000 Nevadans.

This industry's impact is not unique in Nevada. People go to the Presiding Officer's State of Maine year-round. It slows down a little in the wintertime, but people go there year-round because of the beauty of the State of Maine. I have only been to Maine on one occasion, but I went as a tourist. I wanted to see that beautiful State, and I was able to do that. It is the same in virtually every State in America. Tourism is the No. 1, No. 2 or No. 3 driving economic influence of every State.

So recognizing Travel and Tourism Week is more than just simple talk; it is important to do that. Annually, travel and tourism contribute more than $2 trillion to the national economy. It supplies 15 million jobs to Americans, and these are jobs that don't ship overseas. In fact, tourism is the Nation's No. 1 export.

While it is important to recognize National Travel and Tourism Week, just mentioning the industry's strength is not enough. As with any profitable business, investment helps. It will do the same in tourism, and we have proven that over the last few years.

A small investment in travel and business does great things for America. As I recall, there were about five filibusters we had to overcome on this legislation, but we did overcome them, and we finally passed it in 2010. President Obama signed this into law. It is called the Travel Promotion Act.

After we passed the law, this entity was led by a man named Stephen Cloobeck. Stephen Cloobeck is a businessman, and he has been a successful businessman. He is now extremely successful in the time-sharing business and in other areas. But he was really a good leader of that entity when it was first created, and that wasn't easy. There were a lot of bumps in the road. But being the exceptionally good businessman that he was and is, it worked out well. His leadership was phenomenal.

In countries all over the world, Brand USA—that is what it is called, Brand USA—advertisements come at no cost to the American taxpayers, and these entice foreign travelers to visit America.

By any measure, the Travel Promotion Act has been an incredible success. But don't take my word for it. An independent analysis found that Brand USA helped to generate more than 1 million new visitors to the United States, and it is only going to get better. Those international visitors spent $3.4 billion last year. Increasing international tourism and visitation to the United States creates jobs. On average, our international visitors stay longer in our Nation's hotels and they spend more money in our stores and restaurants than domestic travelers. One out of every four visitors who come to Las Vegas comes from outside the United States. Nearly 20 percent of all visitors, which is obvious from those numbers I just gave, come to Las Vegas from abroad.

So it is clear that Brand USA is helping our Nation's tourism industry, and it is helping our Nation capitalize on this growing market of tourism. That is why the Senate passed an immigration bill that is currently stuck in the House of Representatives. This legislation includes a permanent reauthorization for the Travel Promotion Act and Brand USA.

Unfortunately, the House of Representatives has so far refused to take up an immigration reform bill. We did our work, and it was led by four Democrats and four Republicans. The four Democrats: Senators SCHUMER, DURBIN, MENENDEZ, and BENNET; the four Republicans: Senators RUBIO, FLAKE, MCCAIN, and GRAHAM. They did good work. It could not have been done without them.

Our Nation's travel industry, though, needs us to do more. Recognizing the importance of tourism, it is so important we proceed and help the tourism industry by passing the immigration reform bill.

I mentioned the good work done by these eight Senators. The current

president of the Las Vegas Convention and Visitors Authority and former chairman of the U.S. Association—his name is Rossi Ralenkotter—has stressed the need for investment in our Nation's infrastructure.

As we invest in airports, rail, and roads—we certainly do not do enough, but when we do, we are effectively opening this Nation's doors to our visitors. By providing safe, efficient travel for tourists, we can also ensure that the American travel industry has a reliable flow of business.

Our commitment to bolstering tourism must amount to more than just concrete and metal. We must ensure that not only do we invite people here—and they come from across the world—but that we are also facilitating their arrival and their departure.

In the Senate immigration bill we make it easier for tourists to come to America by increasing the number of Customs and Border Patrol agents who process international visitors. We hope as tourists from foreign nations become more comfortable with traveling to the United States they will do so more frequently.

We are fast approaching the anniversary of the immigration bill's passage in the Senate. Yet this bipartisan bill sits idling in the Republican-controlled House of Representatives, and the Republicans seem to be content to continue to ''idle,'' a code word for doing nothing.

There are many urgent reasons we must pass the immigration bill and travel promotion is one of them. We cannot be content to do nothing in promoting the United States to the world because ultimately travel promotion is job promotion. It is about creating jobs. It is about growing our economy. It is about keeping the United States competitive in the world travel business.

So this week as we consider the incredible impact of travel and tourism on our Nation's economy, I invite my colleagues in Congress to continue to invest in this vital industry. If we are successful, we will make sure America remains the ultimate tourist destination for decades to come.

I see on the floor the distinguished senior Senator from Minnesota. Her work on getting this Travel Promotion Act passed was superb. Her efforts continue to make sure it is working well in the immigration bill. No one has helped more than the senior Senator from Minnesota. She is a good legislator, and she has proven that to me many times. Her work on this legislation reminds me how tenacious she is.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I would like to thank the leader for his superb leadership on tourism. Anyone who represents the State of Nevada understands how important tourism is to our States and to our country. The leader knows it is not just about Las Vegas, it is also about places such as the Mall of America in Minnesota or all of those great bed and breakfast and fishing operations in the States of Maine or Arkansas or Missouri.

Senator BLUNT is the lead Republican head of this bill, along with myself, and we now have 26 authors on the reauthorization of the Travel Promotion Act, Brand USA; in addition, of course, to the immigration bill, which would allow us to not just reauthorize the Travel Promotion Act but also the JOLT Act, which creates all kinds of new ways to add more jobs to America by speeding up the visa process, by creating some more visa waiver countries and other things.

We will be talking more about that later.

NIGERIAN SCHOOLGIRLS ABDUCTION

Today I am here on a very important matter. I rise to discuss the outrageous abduction of 276 schoolgirls by the terrorist group Boko Haram in northeastern Nigeria. Now we have reports that these schoolgirls, some as young as 15 years old, are being sold into forced marriages with militants.

I know this sounds like something that might be in some kind of a late-night movie or in a strange book, but in fact this happened. This happened this last month, that these 276 schoolgirls were abducted from their school by a terrorist group in Nigeria.

With Boko Haram's leader now appearing on video vowing to ''sell them in the market,'' let's call this what it is: one of the most brazen and shocking single incidents of human trafficking we have seen in recent memory. As Secretary of State John Kerry said this weekend, it is ''not just an act of terrorism. It's a massive human trafficking moment and [it is] grotesque.''

This heinous crime demands that we take action immediately to help bring these girls home to their families and bring their kidnappers to justice. This is a test of our own country's commitment to fight human trafficking and modern-day slavery, and we must step up and help Nigeria with this challenge.

On the night of April 14, a gang of heavily armed militants attacked the dormitory of the Government Girls Secondary School in Chibok, a town in Nigeria's Borno state. They shot the guards, loaded 276 girls into trucks, and drove them away into the forest.

That was 3 weeks ago today, and since then there has been disturbingly little action to find these girls and to get their captors. Local police say around 53 of the girls have escaped, but that still leaves at least 223 held hostage in the hands of Boko Haram. That is almost as many people as were aboard Malaysian Airlines Flight 370. That was 239 passengers and crew, which we all know about and is a horrible tragedy and the subject of intense media coverage and a massive international search, costing tens of millions of dollars. But I have a feeling many people who are watching this right now or who are in this Chamber probably have not even heard about these girls in Nigeria.

In Nigeria no one seems to know where these girls are, and until this past weekend no one seemed inclined to do much about it. The most determined pursuit of the kidnappers had come not from the Nigerian military but from the families of the abducted girls. Some of the family members, armed only with bows and arrows to fight terrorists armed with assault rifles, rode into the forest on motorcycles to try to find their girls. That is the best the world could do so far and that is shameful.

Now the situation is more desperate than ever. The girls are reportedly being married off or even sold for as little as $12 to be wives to Boko Haram militants. Just this morning a video surfaced featuring a man claiming to be a Boko Haram leader, taunting Nigeria and the world with this shameful statement claiming responsibility for the attack. He said this:

> I abducted your girls. I will sell them in the market, by Allah. There is a market for selling humans. Allah says I should sell. He commands me to sell. I will sell women. I sell women.

That Boko Haram would target these girls is actually not a surprise. The group's very name means ''Western education is sinful,'' and it systematically targets schools and kidnaps and kills children, especially girls, who are guilty of nothing more than seeking a better life for themselves through schooling.

The Nigerian Government estimates the group has destroyed over 200 schools. In February, 59 students were shot and hacked to death at the Federal Government College in the nearby town of Buni Yadi. The government had actually closed the schools in the region in the face of these ruthless attacks.

But these girls wanted to go to school. They wanted to get an education. Their school, which had been closed for 1 month, was reopened so they could just take their final exams—something my daughter is doing right now at college, something high school kids the age of these girls are doing all over the United States right now. They were just trying to take their exams.

These are girls who should be the next generation of leaders in their community and their nation—not sold off to a band of thugs.

Fortunately, after this weekend the world is finally paying attention, and I hope this Chamber pays attention. With the families reaching out through social media, using the Twitter hashtag #BringBackOurGirls, protests have spread across the world, calling for the Nigerian Government to take stronger action and for the international community to help.

The United States should help lead that international effort. I was encouraged that Secretary Kerry said this weekend that ''we will do everything

possible to support the Nigerian government to return these young women to their homes and hold the perpetrators to justice.'' But we need actions to back up those words, and I would like to suggest three actions we should take to help marshal a global response to this heinous crime.

First, the United States should seek a resolution from the U.N. Security Council condemning this attack and calling for member countries to extend all appropriate assistance to Nigeria and neighboring countries to help locate the victims of Boko Haram's abductions and bring them home.

Second, we should move as quickly as we can to provide intelligence, surveillance, and reconnaissance assets to contribute to the search for the missing girls. The countries of the region have limited resources, and American support with aerial and satellite surveillance, similar to what we have provided to the hunt for Joseph Kony and his so-called Lord's Resistance Army in Central Africa, could make a significant difference in their ability to liberate Boko Haram's hostages.

Finally, we should work to strengthen the capabilities of local authorities in Nigeria, Cameroon, Chad, and other countries in the region to counter Boko Haram, protect children, particularly girls, in their education systems, and combat human trafficking.

I led a delegation last month to Mexico focused on fighting human trafficking, and one of the lessons I took away from that was the critical importance of training local law enforcement, prosecutors, and judges to recognize trafficking when they see it. A sharp-eyed police officer in one of these countries can make all the difference in finding these girls.

Make no mistake. How we respond to the abduction of the schoolgirls of Nigeria will send a message about our Nation's commitment to human rights and the fight against modern-day slavery.

Human trafficking is a stain on the conscience of the world. It is one of the reasons I became involved in this issue, having been a prosecutor and seeing the devastation that prostitution and trafficking and sex trafficking wreaks on these girls.

In the United States we have our own problems; 83 percent of our victims in the United States are from the United States. We have had several prosecutions in my own State. We have had prosecutions in North Dakota. It is one of the reasons I introduced a bill with Senator CORNYN. We have multiple authors who go after this crime to look at a smarter way to handle these cases, which is modeled after the safe harbor law, which Minnesota uses, as well as 12 other States.

The idea is to treat these girls as victims. Their average age is 13 years old—not old enough to drive, not old enough to go to their high school prom. It takes that concept, puts it into a comprehensive sex-trafficking strategy, and goes after this in our own country.

It is now the world's third largest criminal enterprise—human trafficking—right behind drugs and guns. So do not think this is just something that people are talking about. It is not. It is happening right now.

Nicholas Kristof and his wife Sheryl WuDunn wrote a book called ''Half the Sky,'' named for the Chinese proverb ''women hold up half the sky.'' It is about human trafficking. It uses examples from all over the world. In it they argue that ''it is not hyperbole to say that millions of women and girls are actually enslaved today.'' They estimate that 2 million disappear each year. In fact, this book was written long before this happened in Nigeria, and one of the examples they use is a girl being abducted in Nigeria. One of the examples they use is girls being abducted in Moldova, one of the poorest countries in that region. Senator MCCAIN just went to Moldova and came back. When he was there he asked: Where are all the young girls and women? The officials there told him: Many of them have been trafficked to other countries—trafficked to Russia.

This is happening right now, and these girls in Nigeria need our help. The girls abducted and apparently sold into forced marriages in Nigeria are as young as 15 years old. They are being forced to endure what no one, let alone a young girl, should ever have to experience.

Simply put, this is a barbaric practice that must be extinguished from the world. In the book Kristof and his wife wrote they liken the imperative of abolishing human trafficking today to what the British bravely did in the early 1800s when Britain abolished slavery.

They note that what mattered most in turning the tide against slavery was the British public. It was not the abolitionists' passion and moral conviction, as important as that was, but instead what turned the tide was what they called the ''meticulously amassed evidence of barbarity''—the human beings packed into the hold of slave ships, the stink, the diseases, the corpses, the bloody manacles.

We cannot close our eyes to the clear ''evidence of barbarity'' unfolding before us in Nigeria. This is one of those times when our action or inaction will be felt not just by those schoolgirls being held captive and their families waiting in agony, but by victims and perpetrators of trafficking around the world. Now is the time to act.

I yield the floor.

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 until 5:30 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Ms. KLOBUCHAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Utah.

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

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

Mr. HATCH. Madam President, I ask unanimous consent that I be given enough time to complete my speech.

The PRESIDING OFFICER. Without objection.

FREE SPEECH

Mr. HATCH. Madam President, it is no secret that our Nation faces a number of critical problems. We have a national debt that currently stands at $17.4 trillion. We are in the midst of an entitlement crisis that threatens to balloon our debt and swallow funding for the rest of our government. We have a still-struggling economy, which was once again confirmed last week with the announcement of lackluster growth numbers. These are just some of the problems we are facing. There are numerous others.

With all the challenges in front of us, you would think the Senate majority and the President of the United States would be focused on solving at least one or two of these problems. Sadly, that is not the case. In this heightened partisan climate, my friends in the majority are far more often than not focused on two things: shoring up their political base and marginalizing their political critics. In other words, it is all politics all the time.

It is pretty easy to find examples of the Democrats' efforts to solidify their progressive base. Indeed, we have seen it in just the last few weeks. Why else do you think we have had show votes on bills such as the so-called Paycheck Fairness Act and minimum wage, especially since we already have laws that say women should be paid fairly? Why else did we have to endure the all-night speech fest on climate change a few weeks back? None of these efforts were rooted in any kind of policy justification. They certainly weren't aimed at benefiting our economy or creating jobs. If anything, they would do exactly the opposite. In fact, the CBO confirmed that the Democrats' latest gambit here on the floor—the minimum wage—would actually cost our economy somewhere upward of at least half a million jobs.

All of these endeavors were aimed at driving turnout for the Democratic base in November, but that is just half of the Democrats' equation. The other half is silencing their critics. Indeed, over the past few years we have seen a

pattern coming from the other side—both in the Senate and in the White House—of using whatever tools are available to intimidate critics and marginalize opposition.

It started, of course, with the IRS targeting scandal. I know a little bit about it, being the ranking member on the Senate Finance Committee. The IRS has admitted that in the runup to the 2010 and 2012 elections it was improperly targeting conservative groups applying for tax-exempt status by harassment and intimidation. Now, for obvious reasons, President Obama has tried to sweep this scandal under the rug, but the record is pretty clear on the matter. The IRS singled out conservative groups—groups that were critical of the President and his policies—for extra scrutiny. These conservative groups were subjected to delays in their applications. Some still haven't gotten their approval after years of trying. In several cases they were asked a number of intrusive and harassing questions about their activities and goals. There is no getting around this; that is exactly what happened. This turn of events has left a black cloud over the IRS as an agency and seriously damaged the public's trust in government.

Let's be clear. The IRS did not engage in these activities in a vacuum. On the contrary, they were cheered on by some of my colleagues on the other side of the aisle who, rather than simply dealing with criticism they didn't agree with, urged the IRS to apply more scrutiny to these conservative organizations.

Unfortunately, after the political targeting scandal, the IRS wasn't finished. The pattern continued. Late last year the agency unveiled a regulatory proposal designed to limit the ''political activities'' of 501(c)(4) organizations. If finalized, these regulations would effectively silence grassroots organizations across the country. They would no longer be able to engage in activities as innocuous as voter registration drives or candidate forums without those activities being labeled ''political.''

The purpose of these regulations is very clear. The administration does not want grassroots organizations educating the public on the issues of the day. They certainly don't want them informing people about candidates' positions on matters of public policy. This regulation is designed specifically to put a stop to all of that.

It is no surprise that this proposal has been condemned by groups across the political spectrum. Indeed, any objective observer would call this what it is: an affront to free speech and fair debate.

But, as I said, there is a pattern here. It is an ongoing effort on the other side to undermine free speech and impose limits on Americans' participation in the political process, and it has not stopped with the IRS regulations. Just last week it was announced that the Senate majority plans to hold a vote on a constitutional amendment that would limit the scope of the first amendment and allow Congress to impose limits on political speech—just last week. It is difficult to imagine that we have come to that, but here we are.

Political speech is critical to our democracy. Indeed, this principle is at the very foundation of our Republic. It is one the Supreme Court has upheld time and time again, including very recently. Yet, when confronted with speech they don't like, my friends on the other side of the aisle are willing to use every tool at their disposal to even change the text of the Constitution itself in order to silence it.

In a marketplace of ideas like the one the Founders intended, disagreeable speech can easily be met with additional speech, and in the end the truth will almost certainly prevail. But, alas, my friends don't appear to be interested in the truth or a marketplace of ideas. They only want one store that will only sell ideas with which they happen to agree. It is truly mind-boggling, but that is where we are.

This isn't the end of the pattern. In fact, the pattern of hostility toward free speech and the effort to intimidate and silence critics continues virtually every day here on the Senate floor. Almost every day Democratic Senators, including members of the Senate Democratic leadership, come to the floor to call out American citizens by name and demonize them for having the audacity to participate in the political process. They use the Senate's time and resources to single out individuals whose only crime is that they happen to have different views on public policy. I suppose their other crime is that they are successful, which is more often than not enough to draw the ire of my friends on the other side. When you couple success in the economy with criticism of Democrats and their policies, it is apparently too much for my colleagues to bear. Day after day Democratic leaders come to the floor to call out these Americans by name in order to attack them. They spread falsehoods about these Americans and their intentions, and they malign the entire conservative movement and Republican Party as guilty by association.

Even if this type of demagoguery weren't unbecoming of the Senate—which it is—these attacks would be shameful in their own right. After all, how are these unjustified attacks on American citizens going to help our struggling economy? How are these attacks going to create jobs for the middle class?

And, how are these attacks on American citizens going to rein in our already out-of-control national debt? They are not, and they are not intended to.

As I said, these days Democrats have two missions: No. 1, to solidify their base and, No. 2, marginalize their opposition, and when they come to the floor every day to make bogeymen out of individual Americans, they are doing both. They are not, as they claim to be, trying to take money out of the political equation. If they were, they would be just as concerned with those on their side who spend millions bankrolling liberal causes and Democratic candidates. I am talking, of course, about the labor unions, trial lawyers, and billionaire environmentalists who have pledged to spend hundreds of millions of dollars in this campaign cycle alone. Instead, they are trying to scare up votes.

Apparently they believe if they can make scapegoats out of those who choose to participate in the political process, they can cover up the fact their policies have failed to get our economy moving and that they don't have any real answers to the real problems plaguing our country. Perhaps more importantly, they think if they can attack certain individuals for their political activities, others will be afraid to get similarly involved. Once again, this is a pattern of hostility against both free speech and against any Americans who speak out against the policies of the Democrats. Quite frankly, it is simply shameful that it has gone this far.

We need to have a different conversation. We need to talk about ideas and proposals that will actually help the American people. I hope in the coming months my friends on the other side of the aisle will be willing to have this conversation rather than simply relying on underhanded tactics that, in the view of many, demean our government and the Senate in particular. That is the type of debate the American people want to see, and I think they are smart enough to see through anything the other side wants to offer in its place.

I have never seen it this bad in the Senate. I have never seen this body so ineffectual in my 38 years in the Senate. I have never seen such politics played in this awful manner. I have never seen people's free speech rights being criticized and demeaned as is going on right now. That is not to say we have not had some faults on our side too, but I do have to say what is going on here is unbelievable.

Since they broke the rules to change the rules, the Senate has not functioned as a great legislative body at all. It won't be functioning until we get those rules back. I believe when some of our colleagues on the other side, many of whom have never been in the minority, finally get in the minority—and I believe that is going to happen sooner rather than later—they are going to realize these rights are very important. They are going to realize we should be doing more in the Senate than trying to protect our side from any possible repercussions that could occur, which seems to be the major aim of our colleagues—or at least the leadership—on the other side at this time.

This is a great body. We have great people whom I deeply admire on both sides of the floor. There were Senators, who are now gone, on the other side of the floor whom I deeply admired. Never have we had, as far as I can remember in my 38 years, this type of stultification of free and fair and open debates. It is a disgrace. I think they know it is a disgrace, but they don't care; they are more interested in power than they are in doing what is right.

The way they have singled out various conservative individuals by name on the floor is deeply troubling to anybody who is fair. The fact is the Democrats have never liked money. They try to blame Wall Street for everything, but Wall Street is run primarily by Democrats. We do have an occasional Republican up there, but an awful lot of them are Democrats who are giving big dollars to the Democratic side. They have a right to do it if they want to without being demeaned on the Senate floor. I hope we will have not only free and open debate, but that we will have better and more honest debate in the future.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEFENSE ACQUISITION REFORM

Mr. MCCAIN. Madam President, as consideration of the National Defense Authorization Act for fiscal year 2015 proceeds in earnest, and with the recent release and annual assessments of the Department of Defense major procurement programs by the Government Accountability Office and the Pentagon's Director of Operational Testing and Evaluation, we are, once again, reminded of the DOD's chronic inability to rein in costs associated with its largest and most expensive weapon and information technology systems.

This is, of course, a problem the DOD—the Department of Defense—has struggled with for years. During every one of these years, I brought this problem to the attention of the American people, both in the Senate Armed Services Committee and here on the floor of the Senate.

So I need not go over again the frustrating litany of costly procurement failures at the Department of Defense. At this point we are all aware of the future combat system, the Army's ''transformational'' vehicle and communications modernization program, in which the military and the U.S. Army wasted almost $20 billion developing 18 vehicles and drones, only one of which actually went into production. In other words, they blew $19 billion. As had been done on other programs, on the Future Combat Systems, the Army held a ''paper competition'' to select contractors far in advance of fielding any actual prototypes. But it awarded control to two separate companies and let them, not the government, hold their own internal competitions to determine who would test and build the vehicles and systems—encumbering the program with a dizzying array of conflicts of interest and preferred-supplier preferences that chipped away at the program from the inside out.

As for the Air Force, its Expeditionary Combat Support System—the ECSS program—wasted over 1 billion taxpayer dollars attempting to procure and integrate a ''commercial off-the-shelf'' logistics IT system. That effort resulted in no usable capability for the Air Force, and taxpayers were forced to pay an additional $8 million in severance costs to the company that failed in its mission. The Marine Corps, in turn, spent 15 years and $3 billion on its Expeditionary Fighting Vehicle before canceling the program in 2012—another $3 billion down the drain.

While there are so many other failures, we shouldn't forget the VH–71 program—the presidential helicopter program—with which the Navy attempted to procure a new presidential helicopter. Before that program's cancellation in 2009, taxpayers were forced to pay $3.2 billion and got exactly zero helicopters.

Our ''joint service'' programs have also faced profound difficulties. Even though the Department of Defense has not completed development testing on the F–35 Joint Strike Fighter, that program is already well into production, exposing it to the risk of costly retrofits late in production.

While today the Joint Strike Fighter Program is on a more stable path to succeed, during a recent Airland Subcommittee hearing on tactical aircraft programs, I asked the head of the program, Lt. Gen. Chris Bogdan, what lessons the DOD learned from that program's costly failures. By the way, it is the most expensive weapons system ever—a $1 trillion weapons system. He identified three lessons: the danger of overly optimistic initial cost estimates, the importance of reliable technological risk estimates, and the complexity and costs of building next-generation planes while still testing them.

That is, of course, a post mortem that we are all very familiar with, including on some of the failed acquisition programs to which I just alluded. For that reason, Congress enacted the Weapon Systems Acquisition Reform Act of 2009. That law instituted reforms to make sure that new major weapons procurement programs start off right, with accurate initial cost estimates, reliable technological risk assessments, and only reasonable ''concurrency,'' and stable operational requirements.

While the Government Accountability Office found this law had a ''significant influence'' on requirements, cost, schedule, testing, and reliability for the acquisition of new major weapons systems, there is still much to do, especially on the so-called ''legacy'' systems already well into the development pipeline. According to the Government Accountability Office, the cost of the Pentagon's major weapons systems—that is 80 systems in total—have swollen to nearly one-half trillion dollars over their initial price tags and have average schedule delays of more than 2 years.

I will repeat that for the benefit of the Pentagon, my colleagues here in the Senate, and the American people. The Government Accountability Office says the cost of the Pentagon's major weapons systems, of which there are 80 in total, have swollen to nearly one-half trillion dollars—that is T, trillion dollars—over their initial price tags—their initial cost estimates—and have average schedule delays of more than 2 years. That is not acceptable. That is not acceptable to the American people, it should not be acceptable to Members of Congress, and it sure as heck shouldn't be acceptable to the people who are responsible for these cost overruns. That is the Pentagon and that is these manufacturers.

Against this backdrop, I will briefly discuss two critical aspects of how the Department of Defense procures major systems—real competition and accountability. In my view, it is no coincidence that the period of remarkably poor performance among our largest weapons procurement programs has coincided with a dramatic contraction in the industrial base, due, in large part, to consolidation among the Nation's top-tier contractors. For this reason the Department of Defense must structure into its strategies to acquire major systems true competition—not like fake competition—as we saw in the Future Combat System or as proponents for an alternate engine for the Joint Strike Fighter once advocated. According to the Government Accountability Office, in fiscal year 2013, only 57 percent—I repeat, 57 percent—of the $300 billion the Department of Defense obligated for contracts and orders was actually competed. In other words, only in a little over half of the $300 billion—roughly $150 billion—in contracts and orders was there actually any competition. Unacceptable. Competition should be driven through the subsystems level, and it should be reflected in approaches that foster innovation and small business participation throughout a system's entire lifecycle.

Especially within the Navy's ''shipbuilding and conversion'' account and the Air Force's ''missile procurement'' account, costs associated with the Ohio-class replacement submarine and the Evolved Expendable Launch Vehicle—that is our space effort—those programs respectively, will severely pressurize other procurement priorities within these same aspects of Pentagon spending.

So within these particular areas, harnessing competitive forces to drive down costs and keep them down will be enormously important. There can, however, be no doubt that during a year of declining budgets and, therefore, fewer opportunities to support an already diminished industrial base, this will be extraordinarily difficult. So we should be embracing competition—even the prospect of it—wherever and however we find it.

In the Littoral Combat Ship Program, the Navy's strategy to bring competition into the construction of the follow-on ships' seaframes successfully drove down those costs after the cost to complete construction of the lead ships' seaframes exploded—the costs exploded. While doing so resulted in a dual-award block-buy contract, which I thought, and continue to think, was ill-advised, and serious problems persist with the Littoral Combat Ship's mission modules—in other words, the ship's ability to carry out its assigned missions—there can be no doubt that competition was just what the program needed.

After having found in 2012 that competition for the Evolved Expendable Launch Vehicle, i.e., our space program, could lower costs for the government, the Government Accountability Office reiterated the importance of competition generally in a report released today, stating that, ''[c]ompetition is the cornerstone of a sound acquisition process.''

Remember those words by the Government Accountability Office, as I go on: Competition is the cornerstone of a sound acquisition process.

It is exactly for this reason I have been concerned with what I have seen in the Evolved Expendable Launch Vehicle, a critical national security space launch program. In the absence of competition and amidst a highly suspect effort to minimize internal Pentagon and congressional oversight of the program, which I corrected just a couple of years ago, the costs of this program have exploded. There are higher inflation costs for this program than any other program in the entire program. Only after that program critically breached cost thresholds under Federal law—the so-called Nunn-McCurdy—in other words, after the inflation of the costs were so high Federal law threatened its existence—did the Department of Defense finally recognize the value—indeed, the need—for competition.

Yet despite a directive by the Under Secretary of Defense for Acquisition, Technology, and Logistics to the Air Force to ''aggressively'' introduce competition into the program, and just weeks before the Air Force knew—the Air Force knew—that a prospective new entrant to the program would qualify as a bidder, the Air Force awarded a 3-year sole-source block-buy contract to the incumbent contractor. Just weeks before they knew there would be competition, they allowed and awarded a program to the one bidder, sole source, at a huge cost. The Air Force did so in a way that exposed only those launches designated for competition to the greatest risk of delay or cancellation. Then, just a few weeks ago, in connection with its budget request for fiscal year 2015, the Air Force proposed to cut the number of launches designated for competition in half. They gut the number of launches designated for competition to half, in part to satisfy the Air Force's existing obligation to the incumbent contractor under the sole-source block-buy contract.

Why the Air Force made all those decisions in that program, which so desperately needs competition, is unclear. But the evidence of incumbency favoritism I have seen to date was strong enough for me to refer the matter to the Department of Defense Inspector General for investigation. That favoritism apparently extended to the DOD's failure to ensure that the incumbent contractor's efforts to import rocket engines from Russia—we are importing rocket engines for our space launch program from Russia in a noncompetitive contract—did not run afoul of the President's Executive order sanctioning certain Russian persons in connection with Russia's activities in eastern Ukraine. It took a prospective bidder—not the Pentagon, but a prospective bidder; that is, a possible competitor—to file a lawsuit in Federal court to ensure compliance with the President's Executive order. We all look forward to the inspector general's findings.

In addition to the EELV, I will also be monitoring the Army's modernization program to build nearly 3,000 armored personnel carriers. This program too appears to lack any meaningful competition, having obtained a waiver to skip over building working prototypes and thereby ignoring the acquisition best practice of fly before you buy.

Way back many years ago when Ronald Reagan became President of the United States, our then-Secretary of Defense Cap Weinberger said: Fly before you buy. Fly before you buy.

It is clear. I do not think anybody builds anything in America today if they do not test it out before they purchase it en bloc or produce it en bloc. Yet the Pentagon continues to ignore the fundamental principle of fly before you buy.

There is also clearly more that needs to be done to ensure accountability in how the Department of Defense procures major weapons and information technology systems. Ensuring accountability means having in place the right acquisition managers when large procurement programs start instead of bringing them in years after those programs have foundered. Those managers must see and be willing to enforce affordability as an operational requirement and know how to effectively incentivize their industry partners to control costs.

Also, within a system that better aligns their tenure with key management decisions on their programs, those managers—trained to be as competent and skillful a buyer as their industry counterparts are sellers—need to be empowered to make those decisions in their best professional judgment, and they need to do so within an overall system that holds them accountable if they are wrong and rewards them if they are successful.

Regrettably, that is not our defense acquisition system. In our system, instead of accountability, a systemic misalignment of incentives reigns—incentives that assign a premium to overly optimistic initial cost estimates and technological risk assessments. In our system, what is all-important is getting activity ''under contract,'' ''keeping the money flowing,'' and maintaining budgets. Our system allows the Department of Defense to start programs that are poorly conceived or inherently unexecutable with the aim of getting them ''on rails''—into the development pipeline—and, if possible, simultaneously into production.

At that point, given the extent to which they have been engineered so that their economic benefits are distributed among key States and congressional districts, those programs become notoriously difficult to terminate or meaningfully change. Why? Because our system keeps them alive, often at an exorbitant cost and, in the worst cases, without ever providing meaningful combat capability.

My friends, it is called the military-industrial-congressional complex. Dwight David Eisenhower, in his last major speech, warned us of the military-industrial complex. It is now the military-industrial-congressional complex. It is a politically engineered, ill-defined, massive ''transformational'' procurement program, with an unlimited tolerance for excessive concurrency, largely funded on a cost-reimbursable basis, with the prime contractor allowed to maximize profit without necessarily delivering needed capability to our service men and women on budget or on time.

To say that such a system is unsustainable is charitable. It is a system that, if allowed to continue unabated, will have us bestow on our children and theirs de facto unilateral disarmament for which they will have no say and from which our Nation will have no recourse.

Rather than wallow in discouragement, however, we must let that odious proposition motivate us to reform the current system with meaningful change, in particular to the Pentagon's culture of inefficiency that has eluded us for a generation.

One thing is clear: Today we have a choice. Tomorrow we will not.

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. NELSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FLORIDA FLOODING

Mr. NELSON. Madam President, we have had a severe act of Mother Nature in Florida and a number of other Southeastern States, where skies of Biblical proportions in dumping rain have occurred. In Pensacola, FL, there was close to 25 inches of rain that fell within a 24-hour period. The counties of Escambia and Santa Rosa in Florida were particularly hard hit, and just today the Governor of Florida requested a major disaster declaration from the President and sought assistance for that part of Florida. I passed along the Governor's request to the White House and asked that it be approved as soon as possible.

Right now the State of Florida government and local governments as well are assisting people in need, and they are surveying the damage to assess the extent of the storm's impact. We are going to do everything we can to make sure the people have the assistance and the help they need during this very difficult time. Of course, it was not just in Florida that these storms hit; it was a number of States—Mississippi, Alabama, Georgia. As the storm proceeded on upwards, it occurred in a lot of the Southeastern United States. But particularly those States plus ours, in northwest Florida, is where it really hit the hardest.

Many people have worked around the clock to save lives and to provide support in the immediate aftermath of the storm. Thank goodness there is a Florida National Guard that is as experienced as it is, and it is experienced because we are accustomed to storms, particularly hurricanes. But we are not accustomed to 25 inches in 24 hours, and all emergency personnel are down there helping.

According to Florida's request for Federal assistance, in addition to the spinoff tornadoes, some parts of the panhandle received this enormous amount of rain, and another indication is that in just 1 hour, 5.68 inches of rain fell—in 1 hour—in the city of Pensacola.

It brought floods. It destroyed homes, roads. It destroyed essential infrastructure. If you have seen any of the views on television, then you have seen the devastation, you have seen people being pulled out of the water, cars completely submerged, portions of roads taken out. It has occurred in multiple States.

Responding to a disaster such as this is a critical responsibility for not only government in general but for the Federal Government and the unique things and people and services the Federal Government can provide. It is one of those things government is supposed to do for people. It is supposed to help in times of emergency. The President has already declared a disaster in Arkansas, Mississippi, and Alabama, making Federal resources available there. I hope the President is going to do the same for Florida. Sometimes challenges are just too great for any one local community or State to take on alone. The unique position of the Federal Government in a time such as this is to coordinate resources and people across the Nation to solve our biggest challenges. A lot of that is done through FEMA, and who better to have the help ready than the head of FEMA, who is a Floridian and who was the head of Florida's emergency department before President Obama tapped him to be the head of FEMA.

With this terrible toll on people's lives, I hope this will serve as an example of how we can all come together when people are in need. Clearly, our hopes and prayers and thoughts are with the people who are affected by these storms.

I yield the floor and 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. NELSON. I ask unanimous consent that the order for the quorum call be rescinded.

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

GOLD SCAM

Mr. NELSON. Madam President, while I had the opportunity on the floor, I wanted to call to the attention of the Senate that the Special Committee on Aging, which I have the privilege of chairing, held a hearing last week on scams particularly affecting senior citizens—but not limited to senior citizens—in the selling of precious metals, in particular gold.

Basically, the bottom-line takeaway from the hearing is if you are an American getting a cold call suggesting to you that you should invest in a precious metal such as gold, more than likely it is a scam and you are about to be robbed of your money if you play along and start investing in this fictitious investment in gold. The testimony showed that most of the time the scammers do not even purchase the gold and certainly are not storing it—even though they are charging the poor victim, often a senior citizen, storage fees for this fictitious gold.

I was astounded. We are accustomed to getting telemarketer calls—unless you are on the Do Not Call list—but telemarketers still call through the Do Not Call list. That is another giveaway. If you are on the Do Not Call list and you are getting one of these calls to invest, they can make it sound so good.

We had a man who was about to be sentenced and was one of the telemarketers. Why do these scams often end up being from South Florida? But it is true—not only these kinds of scams, but also Medicare and Medicaid fraud. It is concentrated in South Florida. This man was a part of this scam calling unsuspecting Americans to get them to invest in something that sounds too good to be true, only it is the gold standard. People fell for it, and then they sent him money. He showed us. They have four different stages: someone who first gets you interested, someone who comes in and closes the deal, another person who comes along and then gets up the deal, and then others who keep you hooked into the scam until you find out that you don't have any gold that is being held in trust for you in storage but, in fact, it is all a sham.

I wanted to share with folks what the Senate Special Committee on Aging found out. If you get a cold call and they want you to invest in gold, chances are it is a scam and it is not real. It is a word to the wise: Beware. Don't fall for it.

I yield the floor and 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. COATS. I ask unanimous consent that the order for the quorum call be rescinded.

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

JOB CREATION

Mr. COATS. Madam President, all 100 of us, Republicans and Democrats, are concerned about our fellow citizens who are unemployed, struggling to pay their bills, and desperate to find meaningful work. We are concerned about the lack of opportunities in many of America's communities and the urgent need for more good-paying jobs across the United States.

There are Hoosiers and citizens across this country hurting in this economy, and it seems as though a new negative economic headline comes out every day. Consider some of the recent discouraging reports we have heard. According to a new USA Today/Pew research poll, Americans by a 2-to-1 margin rate the Nation's economic conditions as poor, and just 27 percent say there are enough jobs available where they live.

A few days ago, the Commerce Department estimated that between January and March of this year, the U.S. economy grew a shocking 0.1 percent. That is .1 percent from no growth whatsoever and just .2 percent from racking up a first quarter of recession.

It takes two quarters back to back to qualify for recession, but we are in the recovery period from one of the deepest recessions since World War II. Now we are into the fifth year, close to the sixth year, of a stagnant economy growing at half the rate it normally does after a recession, and Americans are still out of work.

In addition, the U.S. labor force participation rate is at its lowest point in 36 years. Not since the days of Jimmy Carter has such a low percentage of Americans been in the workforce.

In fact, another shocking headline: Over 800,000 Americans dropped out of the labor force last month alone. Let me say that again. Over 800,000 Americans dropped out of the labor force in just 1 month—800,000. That is enough people to fill Lucas Oil Stadium in Indianapolis, home of Super Bowl XLVI and the Indianapolis Colts, one dozen times.

The Bureau of Labor Statistics calls many of these 800,000 ''discouraged workers,'' and they join over one-third of all working-age Americans no longer seeking work. It is not only those who are earnestly out there every day trying to find a job, any job, this is a staggering number of people who have simply given up, saying: It is not worth the effort; I can't find a job; the jobs simply are not there.

Even those young Americans starting their careers, just entering the workforce, are not entering at the traditional level, the level which they are qualified for, have trained for or have been educated for. They are being forced to accept positions that they are overqualified for at wages way below what they expected to make after all their efforts preparing themselves through education and skills training to join the labor force in America.

Given years of growth at half the expected level and high unemployment, it is not surprising but it is very disheartening to hear this news continue well into the fifth year after the recession. But rather than point fingers or assign blame, I am here today to seek, hopefully, a consensus that the Senate needs to propose, needs to debate, and needs to support measures that will increase economic growth and provide economic opportunity for those who are seeking to join the labor force.

It is time for us to start talking about maximizing opportunity. Webster's dictionary defines opportunity as ''a good chance for advancement or progress.'' That is what American workers at all levels of skill and income deserve, but many of us have introduced our own ideas about job creation and economic growth.

Earlier this year I put forward a detailed 10-point plan that I call The Indiana Way. Based on stories and suggestions from Hoosiers, these are commonsense solutions to some of our Nation's biggest problems. Many of my proposals incorporate ideas that have gained bipartisan support.

We are not in the Senate arguing against each other, we are trying to find solutions, proposals, to debate together, to support together, and to move this country forward.

The Indiana Way includes commonsense proposals to reform our broken Tax Code, reduce regulations that are crippling industries and business, unlock American energy sources, and support community banks, credit unions, and those who are providing the tools for investment and the tools for growth.

I welcome the chance to discuss how these ideas will help Hoosiers and Americans who are struggling in this economy, and I know many of my colleagues are also eager for the opportunity to discuss and debate real solutions to help our workforce. There are a number of proposals that have been brought to this floor by my colleagues.

Senator PORTMAN, who sits at a desk next to me, and others have put forward meaningful proposals we ought to be debating. We shouldn't be talking about: Well, nothing is going to get done because it is an election year.

We ought to set that aside and say for the sake of the future of this country and for all of those seeking work and don't have it, let's debate the real issues. Let's work together to pass something that will make our country stronger and our economy better.

It was one of my former colleagues and friend Jack Kemp who once said:

> Our goals for this nation must be nothing less than to double the size of our economy and bring prosperity and jobs, ownership and equality of opportunity to all Americans, especially those living in our nation's pockets of poverty—

And especially those who are earnestly seeking work and simply can't find it. Today that goal remains worthy of our time and efforts. Let's join together and have a conversation about real solutions that will make our country stronger, improve the lives of all American citizens, and build a better future for the next generation. This should be our goal. This is the goal that should unite us, and it is long past time for us to get serious about it and take action.

With that, I yield the floor, and 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

ENERGY

Mr. MCCONNELL. Madam President, all year I have been coming to the floor to urge Senate Democrats to work with us to help the middle class. So far they haven't seemed too serious about it. We saw that last week when they insisted on pushing legislation that could cost—not create but cost—up to 1 million jobs. Seventeen thousand of those jobs would be lost in Kentucky alone.

I am hoping Senate Democrats are finally willing to turn the page. I am hoping they are finally willing to get serious about helping the middle class, because if they are, here is the energy debate we should be having right here this week: We should be having a debate about how to develop policies that can actually lead to lower utility bills for squeezed families, policies that can put people back to work in America's coal country, policies that can help the kind of well-paying jobs our constituents want and deserve, and policies that can lead to a more effective use of North American energy supplies, that can help stabilize the world at a time when energy has become a weapon of states that do not hold our interests at heart.

Middle-class Americans struggle every day just to make ends meet. For many, the rising cost of energy is a big part of that. The price of electricity has been rising over the last decade, jumping by double digits in many States, and that is even after adjusting for inflation.

So it is unacceptable that it has been 7 years since we have had a real debate about energy jobs, energy independence, and energy security in the Democratically led Senate.

Republicans have a lot of good ideas about ways to help alleviate pressure on the middle class, and we have good ideas about how to create new opportunities through the use of our country's abundant energy supplies. I am sure our Democratic friends have some good ideas, too, and we would all love to hear them because these days we haven't heard a lot of serious energy talk from our friends on the other side.

We haven't heard many concrete Democratic proposals that would effectively alleviate the real concerns and anxieties and stresses that my constituents and theirs deal with on an everyday basis. That is what we would like to hear from them this week, and that is what the American people deserve to hear.

We know Washington Democrats tried and failed to push a national energy tax—cap and trade—through Congress back when they had complete control of Washington. We know President Obama hasn't given up on that idea, even after the people's representatives refused to go along with it—in a Congress that was controlled entirely by his party.

That is why we see the Obama administration trying to do an end run around Congress to get what it wants: to impose through the bureaucracy massive new regulations that would make things even harder for already squeezed middle-class families.

So what Republicans are saying is this: Our constituents deserve a voice in what Washington Democrats are planning to do up because they are the ones whose lives and livelihoods will be most affected by these decisions, and through legislation this very week our constituents should be able to weigh in on these kinds of Democratic plans.

For instance, my constituents in Kentucky should be able to weigh in on

an EPA rule that would negatively impact existing and future coal plants. Kentuckians deserve a say on ongoing regulatory efforts to tie up mining permits and the redtape that is stifling the creation of good jobs in the coal industry and coal country.

The American people deserve a debate on how we can best tap our own extraordinary natural resources to achieve energy independence here at home and how we can help our allies overseas through increased exports of American energy too.

These are what we should be voting on this very week—serious energy policy proposals that can jolt our economy, boost middle-class incomes and jobs, and improve America's energy security in the world.

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

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

GUN CONTROL

Mr. MURPHY. Madam President, Dinyal New was sitting in her church in Oakland, CA, and she was asked a question which she repeated back knowing there was no way to answer it. She said: What is it like to bury both of my kids?

Ms. New lost her two sons in episodes of gun violence not more than 3 weeks apart in January of this year.

Her youngest son was an eighth grader. He was walking down the street one day. The description says that surveillance cameras actually show him almost skipping down the street. He was walking home from the bus stop. He usually called his mom to pick him up, but his cell phone battery had died that day. On the video we can see a gunman approach carrying a semiautomatic rifle and shoot little Lee, an eighth grader, 28 times.

He wasn't in a gang. Frankly, it shouldn't matter whether he was in a gang, but he wasn't in a gang. He loved to play drums. His neighbors said he was a great kid. He stayed home a lot playing video games or he hung out often at the Boys and Girls Club while his single mom worked as a social worker. Nobody knows why Lee was targeted.

After Lee died, his mom begged his older brother Lamar to leave town, that it was just too dangerous. Not knowing exactly what went on, she didn't want Lamar to get caught in the crossfire. Lamar had had a little more difficult life, but he had straightened out his life after some occasional runins with the law. He was taking classes at a local community college, and he had dreams of becoming a musician or starting his own business, but 3 days after his little brother's funeral, on January 19 his mom asked Lamar to run an errand for him. So being a dutiful son, just days after the family was grieving at his brother's funeral, he went 2 blocks from home to do an errand. He was in his car and a suspect got up on top of the car and started shooting into it, killing Lamar. Within 3 weeks she had gone from having two sons to having no sons. Those two homicides are among the 31,672 that happen annually through gunfire and gun violence all across the Nation, part of 2,639 gun deaths every month, part of the 86 a day that happen all across the country. My State is no exception. In March of this year on the same night, March 24, two half-brothers were shot, leaving one dead and the other in the hospital. The surviving brother was a student at Hamden High School and the principal there talked about the fact that this is now the eighth shooting victim at Hamden High School in the principal's short tenure there. Hamden is not a town that is known in Connecticut for high rates of violence, but in just that one high school alone this one principal has seen eight shooting victims.

They had the funeral which was attended by hundreds for Taijhon. Taijhon was a great kid. All kids have troubles, but Taijhon was trying to get his life straight. He had just enrolled in the New Haven Job Corps Program. Anyone who knows about Job Corps program knows it is an avenue to get kids' lives turned around, gives them real skills that they can go out and succeed. Taijhon was enthusiastic about having started this Job Corps Program, but now we will have no idea what Taijhon's life was going to be like because he is not with us any longer, and his half-brother—who was initially in critical condition—his life will be changed forever.

The funeral for Taijhon was especially poignant because for the family this was just the latest tragedy. Two of Taijhon's cousins, Dallas and TJ, were also shot to death in New Haven. So in cities such as New Haven and Oakland, the misery is cascading because it is not just one death with family members of that immediate family affected, it is multiple brothers, it is brothers and cousins, it is entire families being targeted and sometimes wiped out by this epidemic of gun violence—an epidemic of gun violence that this body refuses to do anything about.

As you know, I try to come down to the floor every week, if I can, to give some voices to the victims of gun violence, because if these statistics will not move this place to action, maybe the stories of those young men and women—but mainly young men who are dying all across this country due to gun violence—maybe it is their stories that will move us to take some action. I know we couldn't get the 60 votes required to pass an expansion of background checks in this Senate, but maybe there is something else we can do.

Maybe we can lend more mental health resources to these cities that are struggling to keep up with these high rates of gun violence. Maybe we can fix the existing background check system to ensure that the right records get loaded in and there is actual enforcement of gun dealers who aren't actually asking their customers to go through background checks. Maybe there is something we can do on a bipartisan basis, but the reality is a lot of States are moving in the opposite direction.

Recently there was a lot of attention on a piece of legislation that passed in Georgia. This bill was dubbed the most extreme gun bill in America. It allowed people to carry weapons in bars, in government buildings, in places of worship, in school safety zones, at school functions, on school-provided transportation, all apparently under the theory that if we make enough guns available out in the public to both good guys and bad guys, hopefully, through a process of gun control Darwinism, the good guys will eventually shoot the bad guys.

The problem is that is not how it works. All of the data and evidence tells us that exactly the opposite occurs when you flood a community with guns and that more people die, not less. We don't know all of the reasons why a 19-year-old FedEx package handler walked into a facility in Kennesaw, GA, and injured six people before killing himself, but what we do know is that town has a law on the books that requires every single head of household to own a firearm. Kennesaw, GA, has a law on the books requiring every head of household to own a firearm. That didn't stop the episode of mass violence from happening inside of that FedEx facility. More guns does not equal safer communities in the end.

In my community of Newtown, Adam Lanza's mother had guns in the house because she thought it would help protect herself and her son who lived alone in the house. In the end it didn't help. It got her killed and it got 20 people killed as well.

Think about what it would be like to be a 7-year-old girl waking in the middle of the night, with your 2- and 4- and 5-year-old siblings still sleeping in the house, and walking into the living room and finding your mother and father dead. That is what happened just about 2 weeks ago in Memphis, TN, when a 7-year-old girl awoke to find that both of her parents had been shot and killed in the living room. Three other kids were home at the time. The 7-year-old then called the police who responded and identified the victims.

James Alexander, her father, was described as a landscaper and a great father. Her mother was described as athletic and very protective of her children. Her parents were junior high school sweethearts and they had just married in February. One hundred people packed the corner Friday evening

in front of James and Danielle Alexander's home to remember the couple 1 day after they were murdered.

A friend of the deceased said: ''It still doesn't feel real, I still feel like they are just sitting in their house.''

Another family friend said:

I don't wish this on my worst enemy, but it has happened. Now we have to look out for the kids.

That is the reality: parents gone in an instant, a brother and half brother in 1 night in New Haven, CT, two sons of a mother in Oakland dying because of gunfire within 19 days. These are the voices of the victims we are losing all across this country.

Maybe we don't have the votes to put together the big package that will provide some comprehensive approach to gun violence, but maybe between now and the end of the year we can show these families, we can show these communities that we can at least move forward a couple inches, a couple feet, to send a message that silence will no longer be interpreted in these communities as complicity.

The PRESIDING OFFICER. The Senator's time is up.

Mr. MURPHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thank the Chair.

NOMINATIONS

Mr. GRASSLEY. Tonight we will be voting on the nomination of Justice Moritz, a nominee for the Tenth Circuit. During her legal career, Justice Moritz handled a wide variety of cases both in the private sector and while serving as an assistant U.S. attorney for the District of Kansas for over 9 years. She also served on the Kansas City Court of Appeals and is currently a Justice of the Kansas Supreme Court. Justice Moritz has significant appellate experience, and I expect she will be confirmed tonight.

Before we vote on that nominee, I wanted to update my colleagues on where the Senate stands in regard to judicial nominations. After tonight's vote we will have confirmed 243 of President Obama's district court and circuit court nominees. To put that in perspective, at this point in President Bush's Presidency, the Senate had confirmed 235 district and circuit court nominees, 8 less than we have approved for President Obama.

During President Obama's second term and including tonight's nominees, we will have confirmed 72 of President Obama's district and circuit court nominees. By comparison at this point in President Bush's second term, the Senate had confirmed only 32 district and circuit court nominees. So you can see a difference between 72 approvals for President Obama versus 32 approvals for President Bush in the second term. Despite this record, it seems to me that no matter how many judges we confirm, the other side, along with some confused commentators outside of the Senate, cannot help but complain about our progress.

Last week one member from the Judiciary Committee accused Republicans of obstructing and slowing the nomination process through the President's entire term, but as I just pointed out, the Senate has confirmed more of President Obama's judges than we had at this point during President Bush's term. Another way to put it is all but two of President Obama's nominees have been approved, so that is a 99-plus percent approval. These complaints just do not ring true.

Even the Washington Post, which was never a friend of George W. Bush, now recognizes how well President Obama is doing on judges. A recent article entitled, ''Obama overtakes George W. Bush on judges confirmed,'' noted that ''the Senate has confirmed more Obama nominees to the federal branch than were confirmed at this point in Bush's second term.''

The Washington Post has also conceded that President Obama's confirmation rate essentially matches that of President Bush and President Clinton.

I also heard one of my colleagues complain about the President's vacancy rate, but the reason the vacancy rate is marginally higher than during President Bush's term is because President Obama has simply had more vacancies and more work to do in filling these vacancies during his Presidency. There have been more judges retiring now than during the last administration, which obviously creates more vacancies.

As you have heard me say many times on the floor of the Senate, we cannot deal with nominees until they come to the Senate. In other words, the President has to do his work before we can do our work.

The bottom line is that we are confirming judges at the same rate. It takes time to process and review each nominee who comes before us. This is simply the way the Senate works in its role to advise and consent on judicial nominees.

It isn't just lately that the Senate has worked its will in making sure these nominees are good ones to approve. That is the way it has been done for a long period of time. In other words, we simply don't have the President submit somebody and bring it before the Senate. It takes a lot of homework to make sure that not just their qualifications but all the other evidence that comes from the White House is reviewed adequately.

So there is simply no basis to say Republicans are not giving this President fair treatment. In fact, just last week the Senate confirmed nine judges. That is the most judges confirmed in 1 week this entire Congress. In fact, we haven't confirmed nine judges in 1 week since December 2010, when we needed to vote on a Sunday to get nine judges confirmed during 1 week.

So I take this time just to remind my colleagues of the excellent work the Senate is doing on confirmations, and of course I do it to set the record straight.

I congratulate tonight's nominee on her anticipated confirmation, a confirmation for which I will vote.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF NANCY L. MORITZ TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT—Resumed

NOMINATION OF PETER A. SELFRIDGE TO BE CHIEF OF PROTOCOL AND TO HAVE THE RANK OF AMBASSADOR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The assistant legislative clerk read the nominations of Nancy L. Moritz, of Kansas, to be United States Circuit Judge for the Tenth Circuit, and Peter A. Selfridge, of Minnesota, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service.

VOTE ON MORITZ NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Moritz nomination.

Mr. LEAHY. Mr. President, today, we will vote to confirm Nancy Moritz to fill a vacancy in the U.S. Court of Appeals for the Tenth Circuit. Nancy Moritz is currently a justice on the Kansas Supreme Court, where she has been serving since 2011. She has the qualifications and has the support of her two Republican home State Senators, Mr. PAT ROBERTS and Mr. JERRY MORAN. She was also reported from the Judiciary Committee unanimously by voice vote this past January.

The Republicans continue to object to votes on all judicial nominations, even for completely noncontroversial nominees such as Justice Moritz. Cloture was finally invoked on Justice Moritz's nomination last week. There is no reason her nomination should have been filibustered given the bipartisan support that she has.

In fact, Justice Moritz should and could have been confirmed last year. She was first nominated last August, but her hearing was delayed until mid-November because of the Republican shutdown of the Federal Government. Senate Republicans then refused to vote on her nomination in committee at the end of last year and her nomination was returned to the President. As a result, the President had to renominate Justice Moritz and the Judiciary Committee had to reprocess her nomination this year. When we finally confirm Justice Moritz today, her nomination will have taken more than 9 months. It should not take this long to process noncontroversial nominees.

Justice Moritz has now served on the Kansas Supreme Court for nearly 4 years. Prior to joining the Kansas Supreme Court, she was an appellate judge on the Kansas Court of Appeals from 2004 to 2011. Before becoming a judge, she spent nearly 10 years as an assistant U.S. attorney in the Kansas City and Topeka offices. From 1989 until 1995, she was an associate at Spencer, Fane Britt & Browne, LLP in Kansas City and Overland Park. From 1987 to 1989, she served as a law clerk to the Honorable Patrick F. Kelly, U.S. District Court for the District of Kansas. Her breadth and depth of experience as both a practitioner and a jurist will make her well suited to serve on the Tenth Circuit.

I urge all of my colleagues to vote to confirm this excellent nominee.

Mr. GRASSLEY. I yield back time on this side.

The PRESIDING OFFICER. Without objection, all time for debate is yielded back.

The question is, Will the Senate advise and consent to the nomination of Nancy L. Moritz, of Kansas, to be United States Circuit Judge for the Tenth District?

Mr. BARRASSO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Illinois (Mr. KIRK), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted ''yea.''

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 130 Ex.]

YEAS—90

Alexander	Gillibrand	Moran
Baldwin	Graham	Murkowski
Barrasso	Grassley	Murphy
Begich	Hagan	Murray
Bennet	Harkin	Nelson
Blumenthal	Hatch	Paul
Blunt	Heinrich	Portman
Booker	Heitkamp	Pryor
Boxer	Heller	Reed
Brown	Hirono	Reid
Burr	Hoeven	Roberts
Cantwell	Inhofe	Rockefeller
Cardin	Isakson	Rubio
Carper	Johanns	Sanders
Casey	Johnson (SD)	Schumer
Chambliss	Kaine	Scott
Coats	King	Sessions
Cochran	Klobuchar	Shaheen
Collins	Landrieu	Shelby
Coons	Leahy	Stabenow
Corker	Lee	Tester
Cornyn	Levin	Thune
Cruz	Manchin	Udall (CO)
Donnelly	Markey	Udall (NM)
Durbin	McCain	Walsh
Enzi	McCaskill	Warner
Feinstein	McConnell	Warren
Fischer	Menendez	Whitehouse
Flake	Merkley	Wicker
Franken	Mikulski	Wyden

NAYS—3

Coburn	Crapo	Risch

NOT VOTING—7

Ayotte	Kirk	Vitter
Boozman	Schatz	
Johnson (WI)	Toomey	

The nomination was confirmed.

VOTE ON SELFRIDGE NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Selfridge nomination.

Mr. DURBIN. I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Peter A. Selfridge, of Minnesota, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2014—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senate will resume legislation session.

The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 149

Ms. KLOBUCHAR. I rise today to urge my colleagues to pass the Stopping Tax Offenders and Prosecuting Identity Theft Act of 2013.

Before we have another year—yet another year—of criminals stealing the tax returns of millions of hardworking Americans, we need to pass this bipartisan bill.

Let me tell you from the start this is a bill that I introduced with Senator SESSIONS of Alabama. This is a bill that made it through the Judiciary Committee 18 to 0. After a number of amendments were considered and rejected, this bill made it through the Judiciary Committee—in which there are many different people of ideological views—18 to 0.

So what is this about? We have a problem in this country, and it is a problem I think people would be very surprised about if they knew how much money it involved. Criminals are increasingly filing false tax returns using stolen identity information in order to claim victims' refunds.

What does this mean? How much money are we talking about?

In 2012 alone, identity thieves filed 1.8 million fraudulent tax returns, almost double the number confirmed in 2011. The numbers in the documents in these cases may be forged, but the dollars behind them are real.

In 2012, there were another 1.1 million fraudulent tax returns that slipped through the cracks, and our U.S. Treasury paid out—are you ready for this—$3.6 billion in fraudulent returns, $3.6 billion at a time when we have a debt. At a time when we are cutting programs and doing everything we can to make the government more accountable, we paid out $3.6 billion in fraudulent returns. That is taxpayers' dollars going down the drain.

But when the criminals file these fake tax returns, it is not only the Treasury that loses out. Everyday people are the real victims, forced to wait months—sometimes even years—before receiving the refunds that are owed to them, and it can take years to fix the problems when you have your identity stolen.

In 2012, Alan Stender, a retired businessman from the 5,000-person town of Circle Pines, MN, was working to file his taxes on time, just as so many Americans did this past month. After completing all the forms and sending in his tax returns, Alan heard from the IRS that there was a major problem. Someone had stolen his identity and used his personal information to fraudulently file his return and steal his tax refund.

Last month, 25 people were arrested in Florida for using thousands of stolen identities to claim $36 million in fraudulent tax refunds. This included the arrest of a middle-school food service worker who stole the identities of more than 400 students. Those victims are just kids. Yet criminals are stealing their identities to get fake tax returns.

Attorney General of the United States of America Eric Holder had his tax ID stolen. Two young adults used his name, date of birth, and Social Security number to file a fraudulent tax return. They got caught and they got prosecuted. But when our own Attorney General of the United States is a victim of tax fraud—people stealing his identity—I think it is time to admit we have a problem. From a retired man in Minnesota, to middle-school students

in Florida, to the Attorney General of the United States, it is clear identity theft can happen to anyone.

We also know this crime can victimize our most vulnerable citizens—seniors living on fixed incomes or people with disabilities depending on tax returns to make ends meet. These people cannot financially manage having their tax returns stolen. There is a lot at stake here, and bipartisan action is needed. That is why I put forward this bipartisan piece of legislation along with Republican Senator JEFF SESSIONS to take on this problem and crack down on the criminals who are committing this crime.

The critical legislation—which, by the way, has a similar version that passed in the House last year—will take important steps to streamline law enforcement resources and strengthen penalties for tax identity theft. The STOP Identity Theft Act will direct the Justice Department to dedicate resources to address tax identity theft. It directs the Department to focus on parts of the country with especially high rates of tax return identity theft and boosts protections for vulnerable citizens such as seniors and veterans. We also urge the Justice Department to cooperate fully and coordinate in investigations with State and local law enforcement agencies.

Identity thieves have become more creative and have expanded from stealing the identities of individuals to stealing that of businesses and organizations. My bill recognizes this change and broadens the definition of tax identity theft to include businesses, nonprofits, and other similar organizations. This is something that came to us from law enforcement. This is a bill that passed through the Judiciary Committee of the Senate—not an easy journey—18 to 0.

Finally, we need to crack down on the criminals committing this crime. The bill would strengthen penalties from tax identity theft by raising the jail sentence. I believe this bill would go a long way in helping law enforcement use their resources to more efficiently and effectively go after these crimes. It is time to pass it through the Senate. As I said, it passed through the House of Representatives.

In recent weeks, we have made significant progress by passing this bill out of, as I said, the Senate Judiciary Committee. I thank my colleagues on both sides of the aisle. We had votes on amendments in the Judiciary Committee, which some may hear about soon, that were rejected but were heard out. We had very good discussions and arguments, and I believe that is why I got the support of the people who were putting those amendments forward. Senator HATCH himself said one of those amendments belonged in the Finance Committee. In any case, we came together in the Judiciary Committee, voted for this bill 18 to 0, and it is now time to get it through the Senate.

With an 18-to-0 vote, I should have been able to bring this bill to the full Senate, but I know my colleague from Texas has some concerns, even though he is on the record supporting this bill in committee. The time is now to pass this bipartisan piece of legislation to crack down on identity thieves and protect the hard-earned tax dollars of innocent Americans.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 316, S. 149, the STOP Identity Theft Act, the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

UNANIMOUS CONSENT REQUEST—S. 2066 AND S. 2067

Mr. CRUZ. Mr. President, reserving the right to object, I commend my friend from Minnesota for her very good bill. This bill is good policy. It is supported by both Democrats and Republicans, as she noted. It passed unanimously out of the Judiciary Committee. I was proud to vote for this piece of legislation.

However, at the time the Judiciary Committee took up the bill it also considered amendments—in particular, two amendments I introduced that are both relevant and germane to this bill. This bill is addressing the IRS. We have seen in the past year abuses from the IRS that sadly this body—the Senate—has been unwilling to address.

It has been the practice under the current majority leader to prevent the minority from introducing amendments, preventing the minority from having a voice, and so the only avenue for the minority to have a voice is to use tools such as denying consent to try to raise issues that are relevant to the American people.

When it comes to the IRS targeting of individual citizens, it was roughly 10 months ago the Inspector General at the Department of the Treasury concluded the IRS had wrongfully targeted conservative groups, tea party groups, pro-Israel groups, and pro-life groups. The day that news broke, the President of the United States said he was outraged. He said he was angry, and he said the American people have a right to be angry. That same day Attorney General of the United States Eric Holder said he too was outraged and, indeed, the President pledged to work hand in hand with Congress.

Ten months have passed, and in the 10 months that have passed we have discovered not a single person has been indicted. In the 10 months that have passed, many of the victims of this illegal targeting have not even been interviewed by the Department of Justice. In the 10 months that have passed, we have discovered that one of the lead lawyers leading the investigation at the Department of Justice is a major Obama donor who gave over $6,000 personally to support President Obama and the Democrats. In the 10 months that have transpired, Attorney General Eric Holder has turned down my request that he demonstrate the same impartiality, the same fidelity to the law that has been a bipartisan tradition for Attorneys General under both Republican and Democratic administrations.

Indeed, as I pointed out to the Attorney General, when credible allegations of wrongdoing against Richard Nixon arose, his Attorney General Elliott Richardson, a Republican, appointed Archibald Cox to investigate those allegations, free of political pressure. Likewise, when credible allegations of wrongdoing against Bill Clinton arose, his Attorney General, a Democrat, Janet Reno, appointed Robert Fiske as an Independent Counsel to get to the bottom of it.

Sadly, when I asked Eric Holder if he was willing to follow that same tradition of impartiality, of independence, of fidelity to law, of insulating the Department of Justice from political pressure, the Attorney General gave a flat-out answer of no. He was perfectly content; he saw no reason why anyone should doubt the integrity of an investigation led by a major Obama donor.

As I asked the Attorney General, Would you trust John Mitchell to investigate Richard Nixon? Of course you wouldn't. So it is in the context of this abuse of power—this abuse of power of the administration—that rather than working hand in hand as the President has pledged, they have stonewalled it—that I introduced two amendments.

The first amendment was simply to make it a criminal offense for an IRS employee to target people based on their political beliefs. I will note the text of the language I introduced made it a criminal offense to willfully act with the intent to injure, oppress, threaten, intimidate, or single out for the purpose of harassment any person based solely on the political, economic, or social positions held or expressed by that person or organization.

When the IRS targeting was revealed, it was condemned in bipartisan language. If that language was real, this provision should pass this body unanimously. To make the law reflect that it is criminal for the IRS to willfully target someone based solely on their political beliefs ought to be a proposition that passes this body 100 to 0. Yet I am sorry to say that when I introduced this amendment in the Judiciary Committee it was voted down on a straight party-line vote. Every Democrat who had given speeches against the IRS targeting, when given the opportunity to actually codify a prohibition against it in committee, voted against it.

Likewise, the second amendment I introduced was an amendment to stop the IRS from its attempt at codification of this persecution of political views. The IRS promulgated new rules that would have put in place its targeting of political views. The response

from the citizenry was record-setting. Indeed, I would note what the ACLU said about the IRS's proposed rules. The ACLU—not exactly a bastion of rightwing thought—said:

> The proposed rule threatens to discourage or sterilize an enormous amount of political discourse in America.

The ACLU went on to say:

> Most social welfare organizations—on both the left and right—serve exactly that function as they see it—the promotion of social welfare and community good. Based on their respective visions, they advocate for the powerless and the voiceless. They promote fiscal responsibility and good government. They serve as a check on government overreach, or as a cheerleader for sound public policy.

I can say in this respect that I agree emphatically and wholeheartedly with the ACLU. So I while I am perfectly happy to assent to the bill of my friend from Minnesota, if only the same reciprocal courtesy will be so and the remainder of the body will assent to these commonsense bills that make it a criminal offense to willfully target people based on their political views, and that keep the IRS out of the business of persecuting people for their political views.

I ask this body to stand with the ACLU. I ask this body to stand with the words of President Obama, if not the actions. I ask this body to stand with the American people to protect them from being wrongfully singled out by the abuse of power in the IRS.

Accordingly, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 311, S. 2066, and Calendar No. 312, S. 2067 en bloc; I further ask unanimous consent that the bills be read a third time and passed, and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Ms. KLOBUCHAR. I reserve the right to object.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, the bill I put out on the floor is a bipartisan bill. It is a bipartisan bill that passed the Senate Judiciary Committee 18 to 0. It is a bill that last Congress passed under suspension in the House with the support of Republican Representative LAMAR SMITH and got through the House of Representatives. The House of Representatives, which tends to sometimes be a rather partisan place, was able to pass that bill. We cannot let this bill, when we are bleeding $3.6 billion in fraudulent tax return payments, die on the floor because my friend from Texas is trying again to put on these amendments.

I have no problem in having this amendment come up through the Finance Committee. By the way, Senator HATCH, the ranking Republican on the Finance Committee, said on the record during the Judiciary Committee hearing that S. 2067 should be considered first by the Finance Committee; that it was in the Finance Committee's jurisdiction. Yes, he voted for it in the end, but that is what he said. That is why this was problematic, and that amendment failed. We had a full discussion about this amendment.

In addition, there is a rulemaking on this issue, with 76,000 comments before the IRS. That is the issue.

As for the other amendment that my friend from Texas has put out there as 2066, also considered by the Senate Judiciary Committee, also debated in the Judiciary Committee—we didn't close off the amendment. We had an amendment, we had a discussion, and that amendment failed by 10 to 8.

There are several laws, as we know, that are already on the books that could be useful in this case, and there may be further discussion of this in the future. But this bill has nothing to do with that. Just because it has the word ''tax'' in it doesn't mean it has anything to do with the IRS employees and the amendments that my friend from Texas put forward.

What is this bill about? This bill is about how, in 2012, identity thieves filed 1.8 million fraudulent tax returns, almost double the number confirmed in 2011. That is 1.8 million Americans having their tax ID stolen in 2012. There were another 1.1 million that slipped through the cracks, and our own U.S. Treasury is paying out $3.6 billion from fraudulent returns.

Our own Attorney General of the United States of America had his tax ID number stolen. If Eric Holder can have his tax ID number stolen—and they were able to catch the guy and prosecute him—what happens to the poor guy in Minnesota. That guy wasn't caught. What happens to the people that have their tax ID stolen and then they take years to be able to get back their identity.

This is why this bill went through the House of Representatives without messing around with these amendments. This is why this bill went through the Judiciary Committee, where we had the discussion and the votes on amendments.

All I am trying to do is take this 18-to-0 Judiciary vote—which I was very pleased that the Senator from Texas supported in the Judiciary Committee and said good words about this bill—all I am trying to do is to get this bill passed, instead of having a debate about an amendment that clearly should have gone through the Finance Committee, as stated by the ranking Republican on the Finance Committee.

It is time to get this bill passed. That is why I object to the amendments raised by the Senator from Texas and ask that this bill be passed.

The PRESIDING OFFICER. Objection is heard to the request of the Senator from Texas.

Is there objection to the request of the Senator from Minnesota?

The Senator from Texas.

Mr. CRUZ. Mr. President, reserving the right to object, I wish to note very briefly to my friend from Minnesota that her bill is good policy. It is policy on which I hope this body can come together.

I will note a path forward. If my friend from Minnesota can prevail on the majority leader simply to allow a vote on the Senate floor on the two amendments I have introduced, then I will withdraw my objection. The reason I have to make this request is, under this majority leader, the minority of this Chamber is shut out of the ability even to have votes. I would note this request is less than what I asked in my unanimous consent. It is not a request to pass. It is simply a request that there be a vote, and if there is a vote, that gives an opportunity for every Member of this Chamber—Republican and Democrat—to go on record and to see if every Democrat in this Chamber is willing to do what every Democrat in the Judiciary Committee did, which is vote affirmatively against making it an offense for IRS employees to willfully target Americans based on their political views.

Any Democrat who votes that way can no longer stand and say they are upset about the IRS's abuse of power because once you voted against prohibiting, you have made clear that you are unwilling to do anything to protect the American people.

The requests from the Republican side to the majority leader to have votes scheduled fall on deaf ears. Perhaps my friend from Minnesota will have more sway with her party's leaders than we will. But in the interim, we are obliged to use whatever tools we can to press for the American people, to stop the abuse of power that is stifling their First Amendment rights. For that reason, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Ohio.

ENERGY

Mr. PORTMAN. Mr. President, I rise this evening to urge my colleagues to support the energy legislation we hope to bring to the floor this week. We are still working through some of the possible amendments on that, as well.

This is good legislation that has been on the floor before. Actually, about 6 months ago we took this up on the Senate floor. Since that time we have actually added about 10 bipartisan amendments to the bill, making it even stronger.

But it is a bill that is good for jobs. It is good for American energy security and therefore good for our national security. It is good because it is going to save taxpayers a lot of money, and it is also good because it is a bill that actually helps to grow the economy while improving the environment.

I have been working on this bill for about 3 years now with Senator SHAHEEN from New Hampshire. We also have other cosponsors on both sides of

the aisle—6 Republicans and 6 Democrats—who have been part of this process. We hope to be able to get this legislation on the floor this week because it is a good bill and it deserves to be passed.

When we have come to the floor before and we have talked about it, we have talked about the fact that it helps manufacturers in Ohio and around the country to take advantage of energy savings techniques and the best technology, allowing them to save more money so they can invest more in plants and equipment and in people, adding more jobs. That is why, by the way, over 270 businesses and business organizations—from the U.S. Chamber of Commerce to the National Association of Manufacturers—and a lot of other trade groups on both sides of the political spectrum—have endorsed this legislation.

We have also come to the floor and talked about how provisions in this legislation will save the equivalent of taking 80 million homes off the grid by the year 2030—a cumulative energy savings, by the way, of up to $100 billion. It is called the Energy Security and Industrial Competitiveness Act. Again, it makes a lot of sense.

We talk about how taxpayer dollars will be saved because we require the Federal Government to practice what it preaches; in other words, to make the Federal Government, the largest energy user in the United States, much more efficient in its own energy practices.

The time for talking about this legislation, however, has gone. It is now time to pass it. When we do, we can then work with the other body—the House of Representatives—because they have already passed significant parts of our legislation earlier this year. We can bring together the legislation we would pass here on the floor with the House legislation and send it to the President for signature.

At a time when people are understandably concerned about the partisan gridlock here in the Senate, and in Washington in general, this is an example of something we can actually get done. Again, it has been bipartisan from the start. It came out of the committee with a big vote—18 to 3. It is one to which we have added more bipartisan support over the last 6 months by adding more amendments.

Let's do something that will actually surprise the American people. Let's do something that will help move our country forward, create more jobs, help the environment be cleaner, also helping our energy security and therefore our national security, and saving taxpayers a lot of money.

Some of my colleagues on this side of the aisle are skeptical of any energy legislation they have seen in the past, that this Senate and the Congress have passed some proposals that are top-down proposals that impose mandates on the American people. They have also seen costly legislation that funnels subsidies to preferred industries, companies, technologies, distorting the market and ending up in what have sometimes been some very expensive failures. That is not this legislation.

This legislation on energy efficiency contains no mandates. The bill is about giving people access to information they can use, not about making the American people or businesses do something.

Not only does it have no mandates, but it does not add to our deficits. Every authorization contained in this bill is fully offset by savings elsewhere in the budget. In fact, the reforms made in this legislation will save taxpayers a lot of money.

Some of it can be scored. There is a $10 million savings, for instance, on the mandatory side by some of the legislative changes we are making. A lot of it won't get a score because it is additional savings we will see by having the Federal Government be much more energy efficient, which saves money for us all as taxpayers.

Unlike some of these previous energy initiatives which were costly and I think inappropriate, this legislation relies on the market and on the States—not the Federal Government—to drive efficiency improvements.

There is a reason this legislation received this strong vote out of the energy committee, 19 to 3. It has been improved since then with the addition of these 10 bipartisan amendments. It is going to create new jobs, it is going to save money for the taxpayers, and it is going to help with regard to the environment.

By the way, our economy is going to be helped because we rely on affordable and reliable energy in this country. It is our responsibility to do everything in our power to secure more affordable and more reliable energy by adopting what a lot of people talk about is an all-of-the-above energy strategy.

To me, that means producing more energy—yes, including oil and natural gas. In my own State of Ohio, we have a great opportunity there. It also includes being sure that we are using the coal resources we have, nuclear power, and renewables. We should be making it easier to take advantage of these resources and to bring more of these resources to market at lower costs.

But at the same time, we should be taking steps to reduce waste. This is complementary. This is not something that should be either you are for producing more energy or you are for more energy efficiency. We should be for both. We should be producing more and using less. That helps grow the economy, create jobs, and makes us more competitive in the global economy in which we find ourselves.

Energy efficiency, by the way, of all those energy sources, is the lowest-hanging fruit. Think about it. It is the least expensive form of energy—the energy we don't end up having to use.

I think this is a commonsense approach which should be able to be debated on the floor in an honest way, with other energy-related amendments; and then, after that process, to pass it here in the Senate, get it over to the House, work on a compromise with the House with their legislation and our legislation, get it to the President for signature, and actually move on with an opportunity to truly begin the process of putting in place a national strategy that has this all-of-the-above approach—producing more and using less.

I look forward to working with my colleagues this week on engaging in this debate, passing this legislation, and helping the constituents whom we represent on issues that are important to them—jobs, saving taxpayer money, making the environment cleaner, ensuring that America has a secure energy future, which is important to our national security.

I thank the Presiding Officer for allowing me to speak, and 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. MERKLEY. I ask unanimous consent that the quorum call be rescinded.

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

MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO TERRY GAINER

Mr. LEAHY. Mr. President, Terry Gainer, the Senate's skilled and energetic Sergeant At Arms, is leaving the Senate family, after 8 years of devoted service to the Senate and the Nation in this vital role.

Overseeing the Senate's largest administrative office, Terry Gainer has led during a difficult time of change, as the Senate has continued to adjust to a wide range of challenges, from burgeoning technology, to budget squeezes, to the shadowy threat of terrorism. I have watched the way he has handled these duties, and I have admired not only his talent and ability but also the style of his leadership. He has been a credit to this body.

Terry Gainer is a decorated veteran of the Vietnam war. He was a captain in the U.S. Navy Reserve, and he went on to serve as an accomplished law enforcement officer.

Appointed to the post of Sergeant At Arms in 2006, Mr. Gainer came to the Senate with an admirable record of public service. He cut his teeth as a homicide detective on the streets of Chicago, and while working on the Chicago force he earned both a master's and a law degree. From there, he rose

through the ranks to be appointed as director of the Illinois State Police.

In 2002, he assumed the role of chief of the U.S. Capitol Police. It was just a few, short years later, when the Senate was attacked with ricin poison, that Terry Gainer's calm disposition, professionalism, and experience guided the Senate through a malicious act of terrorism.

Chief Gainer then carried over this experience as he took on his new role as the 38th U.S. Senate Sergeant At Arms. Frequently described as a jack-of-all-trades, he fit right in. From overseeing security, to escorting foreign dignitaries, and leading the largest administrative office in the Senate, Terry Gainer was a valued leader and a trusted presence within the Senate family.

As he returns to the private sector, Marcelle and I offer Terry, his wife Irene, and the Gainer family our thanks and all best wishes in the years ahead.

WASHINGTON ELECTRIC COOPERATIVE ANNIVERSARY

Mr. LEAHY. Mr. President, I would like to call the Senate's attention to the work of the Washington Electric Cooperative, which provides power and electricity to thousands of Vermonters, including to Marcelle and me at our home in Middlesex. This year the co-op, as it is better known to Vermonters, celebrates its 75th anniversary. The co-op formed in the midst of the rural electrification movement of the 1930s. On December 2, 1939, my predecessor in the Senate, then-Vermont Governor George Aiken, flipped the switch that brought electricity to 150 farms. I doubt that anyone could have imagined back then that the co-op would grow to serve the 11,000 members it serves today, covering about 2800 square miles in parts of 41 towns in north-central Vermont.

The Washington Electric Co-Op has indeed grown, from the setting of the first poles on the McKnight Farm in East Montpelier, to operating 1200 miles of distribution lines with eight substations today. I am proud of the Washington Electric Co-Op, both as a customer and as a Vermonter.

In honor of this important occasion, I ask that the article ''How the Washington Electric Co-op Began'' from the 1964 Washington Electric Co-op annual meeting be printed in the RECORD.

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

HOW THE WASHINGTON ELECTRIC CO-OP BEGAN

(REMINISCENCE BY A CO-OP MEMBER PRINTED IN THE 1964 WEC ANNUAL REPORT)

One July day Harmon Kelly called on Lorie and Elizabeth Tarshis to suggest their writing to Washington to ask about rural electricity. Raymond Ebbett and Lyle Young met with them. They decided to try to form an REA Co-op. Meetings followed in people's living rooms. On July 14th the first public meeting, conducted by Harmon Kelly, was held in the Grange Hall, Maple Corner. It had been hard to get people to come. Meetings had been held before about getting Green Mountain Power and had always ended in disappointment. As Mr. Kelly talked, people became optimistic and began to suggest sources of water power. We even considered the radical idea of a diesel engine. Several strangers sat listening in the dark shadows at the back of the lamp lit hall. One made a long rambling speech against socialistic schemes ending: ''And you'll have to admit I told you.''

We found out who our visitors were when they went to the owners of the best farms and promised them Green Mountain Power within three weeks if they would ''give up this nonsense.'' Harmon Kelly was told to give it up or lose his job. Neither bribes nor threats worked. On July 29th the REA Co-op was formed with Harmon Kelly, Lyle Young, and Elizabeth Kent Tarshis as incorporators.

My diary for October 7th 1939 reads: ''Autumn color splendid. Electricity booming. Stakes set to mark where poles will be.'' On October 12th, the first pole was set on the McKnight farm in East Montpelier. I remember it, well braced, standing black against a cold sky with bright leaves whirling in the wind and a man from Washington saying: ''You folks don't know what you've started. I wouldn't be surprised if you had a thousand members some day.'' The first hundred looked at each other in disbelief. No one imagined there would be more than three thousand in 1964.

On a May night in 1940, for the first time since the power was turned on, I drove along the County Road. In houses, dark last year or with lamps dimly burning, every window was a blaze of light. There was music everywhere—cows listening to records, housewives to radios. I stopped, found one friend happily running a new vacuum cleaner over an already immaculate rug. I hurried on to my own dark house and turned on every one of our new 100 watt bulbs. The miracle had come.

BUDGET COMMITTEE SUBMISSIONS

Mrs. MURRAY. Mr. President, the Bipartisan Budget Act of 2013 passed in December not only provided relief to families and the economy from the harmful effects of sequestration but also put an end to the recent fiscal crises and uncertainty by establishing a bipartisan congressional budget for 2 years. Specifically, the act authorizes the chairmen of the Senate and House Budget Committees to file allocations, aggregates, levels, and other enforcement mechanisms in the Senate and the House for budget years 2014 and 2015.

On January 15, I filed the first of the two budgets in the Senate for fiscal year 2014. Today, pursuant to section 116 of the Bipartisan Budget Act of 2013, I am filing the budget in the Senate for fiscal year 2015. Specifically, for the purpose of enforcing the Congressional Budget Act of 1974, section 116 directs the chairman of the Budget Committee to file: allocations for fiscal years 2014 and 2015 for the Committee on Appropriations; allocations for fiscal years 2014, 2015, 2015 through 2019, and 2015 through 2024 for committees other than the Committee on Appropriations; aggregate spending levels for fiscal year 2014 and 2015; aggregate revenue levels for fiscal years 2014, 2015, 2015 through 2019, and 2015 through 2024; and aggregate levels of outlays and revenue for fiscal years 2014, 2015, 2015 through 2019, and 2015 through 2024 for Social Security. That authority to file allocations, aggregates, levels, and other enforcement tools exists from April 15 through May 15.

In the case of the Committee on Appropriations for 2014 and 2015, the allocation shall be set consistent with the discretionary spending limits set forth in the Bipartisan Budget Act, which imposes limits only on the amount of budget authority and divides those limits on budget authority between the revised security category and the revised nonsecurity category.

In the case of allocations for committees other than the Committee on Appropriations and for the revenue and Social Security aggregates, the levels shall be set consistent with the most recent baseline of the Congressional Budget Office. The CBO last updated its baseline on April 14, 2014.

In the case of the spending aggregates for 2014 and 2015, the levels shall be set in accordance with the allocation for the Committee on Appropriations and the allocations for committees other than the Committee on Appropriations, as described previously.

Pursuant to section 314(a) of the Congressional Budget Act of 1974, the allocations to the Committee on Appropriations and the spending aggregates can be revised for certain adjustments specifically authorized by section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985. The authorized changes include adjustments for overseas contingency operations and the global war on terrorism, disaster funding, emergency appropriations, and program integrity initiatives in the areas of continuing disability reviews and redeterminations and health care fraud and abuse control. These adjustments will be made after the reporting of a bill or joint resolution or the offering of an amendment thereto or the submission of a conference report thereon that includes language that qualifies for one or more of the authorized adjustments.

In addition, section 116(c) of the Bipartisan Budget Act authorizes the filing for fiscal year 2015 of deficit-neutral reserve funds included in sections 114(c) and (d) of the act, updated by 1 year to match the new enforcement windows. Accordingly, I am hereby filing and updating by 1 year each of the reserve funds included in sections 114(c) and (d) of the Bipartisan Budget Act. The reserve funds are updated to cover the period of the total of fiscal years 2014 through 2024 in the case of the reserve fund authorized in section 114(c) and the period of the total of fiscal years 2014 through 2019 and the period of the total of fiscal years 2014 through 2024 in the case of the reserve funds authorized in section 114(d). In the case of section 114(d), the reserve funds filed and updated here include sections 302,

303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 338, 339, 340, 341, 344, 348, 349, 350, 353, 354, 356, 361, 363, 364, 365, 366, 367, 368, 369, 371, 376, 378, 379, and 383 of S. Con. Res. 8 (113th Congress), as passed by the Senate.

Section 114(a) directs the chairman of the Budget Committee also to reset the Senate pay-as-you-go scorecard to zero for all fiscal years. Pursuant to section 114(a), I am notifying the Senate and including the revised scorecard as part of the submission on revised enforcement for budget year 2015.

Finally, section 112 of the Bipartisan Budget Act establishes a point of order in the Senate against appropriations bills that provide advance appropriations. That act includes limited exceptions to this prohibition including up to $28.852 billion in advance appropriations for programs, projects, activities, or accounts included in a statement submitted by the chairman of the Budget Committee in the CONGRESSIONAL RECORD. Pursuant to section 112, the list of allowable advance appropriations subject to the limit is as follows:

Accounts Identified for Advance Appropriations—

Labor, Health and Human Services, and Education: Employment and Training Administration, Job Corps, Education for the Disadvantaged, School Improvement, Special Education, Career, Technical, and Adult Education.

Financial Services and General Government: Payment to Postal Service.

Transportation, Housing and Urban Development: Tenant-based Rental Assistance and Project-based Rental Assistance.

Mr. President, my counterpart, the chairman of the House Budget Committee, Congressman RYAN, similarly has filed allocations, aggregates, and levels in the House. The two filings will allow the House and the Senate to extend budget enforcement measures for 2015, an important principle of the Bipartisan Budget Act of 2013.

I ask unanimous consent that the following tables detailing enforcement in the Senate for budget year 2015, including new committee allocations, budgetary and Social Security aggregates, detail on discretionary spending limits, and the Senate pay-as-you-go scorecard, be printed in the RECORD.

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

BUDGETARY AGGREGATES, PURSUANT TO SECTION 116 OF THE BIPARTISAN BUDGET ACT OF 2013 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974

$s in millions	2014	2015	2015–19	2015–24
Spending:				
Budget Authority	2,842,558	2,939,993	n/a	n/a
Outlays	2,819,514	3,004,163	n/a	n/a
Revenue	2,288,175	2,533,388	13,882,333	31,202,135

n/a = Not applicable. Appropriations for fiscal years 2016–2024 will be determined by future sessions of Congress and enforced through future Congressional budget resolutions.

SOCIAL SECURITY LEVELS—PURSUANT TO SECTION 116 OF THE BIPARTISAN BUDGET ACT OF 2013 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974

$s in millions	2014	2015	2015–19	2015–24
Outlays	698,267	736,572	4,174,029	9,952,032
Revenue	743,395	771,692	4,209,544	9,372,018

ADJUSTMENTS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2014 PURSUANT TO SECTIONS 302 AND 314(a) OF THE CONGRESSIONAL BUDGET ACT OF 1974

In millions of dollars	Allocation/limit*	Adjustments	Adjusted allocation/limit
Fiscal Year 2014:			
Revised Security Category Discretionary Budget Authority**	605,882	0	605,882
Revised Nonsecurity Category Discretionary Budget Authority**	504,843	0	504,843
General Purpose Discretionary Outlays	1,201,186	0	1,201,186
Memorandum: Total Discretionary Budget Authority	1,110,725	0	1,110,725

*The allocation to the Committee on Appropriations shown above incorporates adjustments to the discretionary spending limits made pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 for overseas contingency operations, program integrity initiatives, and disaster relief. For more information on these adjustments, see pp. S361–S363 of the Congressional Record (January 15, 2014).

**The amount allocated to the Committee on Appropriations for fiscal year 2014 reflects CBO's estimate of P.L. 113–76, the Consolidated Appropriations Act, 2014. An adjustment has been made to "unassigned to committee" to offset the difference between the Congressional Budget Office's April 2014 estimate of discretionary spending and the Congressional Budget Office's estimate of P.L. 113–76. For enforcement purposes, the allocation to the Committee on Appropriations is considered to be at current level for fiscal year 2014.

ADJUSTMENTS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2015 PURSUANT TO SECTIONS 302 AND 314(a) OF THE CONGRESSIONAL BUDGET ACT OF 1974

In millions of dollars	Initial allocation/limit	Adjustments*	Adjusted Allocation/limit
Fiscal Year 2015:			
Revised Security Category Discretionary Budget Authority	521,272	0	521,272
Revised Nonsecurity Category Discretionary Budget Authority	492,356	0	492,356
General Purpose Discretionary Outlays	1,160,500	0	1,160,500
Memorandum: Total Discretionary Budget Authority	1,013,628	0	1,013,628

*Pursuant to section 314(a) of the Congressional Budget Act of 1974, the allocation to the Committee on Appropriations will be adjusted following the reporting of bills, offering of amendments, or submission of conference reports that qualify for adjustments to the discretionary spending limits as outlined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 116 OF THE BIPARTISAN BUDGET ACT OF 2013 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR 2014

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
Revised Security Category Discretionary Budget Authority*	605,882	n/a		
Revised Nonsecurity Category Discretionary Budget Authority*	504,843	n/a		
General Purpose Discretionary Outlays	n/a	1,201,186		
Memo: on-budget	1,105,600	1,195,796		
off-budget	5,125	5,390		
Mandatory	849,184	836,182		
Total	1,959,909	2,037,368		
Agriculture, Nutrition, and Forestry	14,053	14,161	119,970	107,456
Armed Services	145,908	146,180	100	95
Banking, Housing, and Urban Affairs	12,324	−9,548	0	0
Commerce, Science, and Transportation	26,710	21,759	1,460	1,570

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 116 OF THE BIPARTISAN BUDGET ACT OF 2013 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR 2014—Continued

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Energy and Natural Resources	1,908	4,722	62	65
Environment and Public Works	41,959	2,290	0	0
Finance	1,292,745	1,285,443	618,414	618,200
Foreign Relations	27,890	27,855	159	159
Homeland Security and Governmental Affairs	106,887	103,825	20,498	20,498
Judiciary	11,429	9,963	817	787
Health, Education, Labor, and Pensions	3,356	11,515	4,004	3,895
Rules and Administration	38	8	24	24
Intelligence	0	0	514	514
Veterans' Affairs	3,114	3,315	83,058	82,815
Indian Affairs	827	1,087	0	0
Small Business	−780	−780	0	0
Unassigned to Committee*	−800,594	−834,259	104	104
Total	2,847,683	2,824,904	849,184	836,182

*The amount allocated to the Committee on Appropriations for fiscal year 2014 reflects CBO's estimate of P.L. 113–76, the Consolidated Appropriations Act, 2014. An adjustment has been made to ''Unassigned to Committee'' to offset the difference between the Congressional Budget Office's April 2014 estimate of discretionary spending and the Congressional Budget Office's estimate of P.L. 113–76. For enforcement purposes, the allocation to each Committee is considered to be at current level for fiscal year 2014.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 116 OF THE BIPARTISAN BUDGET ACT OF 2013 AND TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR 2015

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
Revised Security Category Discretionary Budget Authority*	521,272	n/a		
Revised Nonsecunty Category Discretionary Budget Authority*	492,356	n/a		
General Purpose Discretionary Outlays*	n/a	1,160,500		
Memo: on-budget	1,008,146	1,155,120		
off-budget	5,482	5,380		
Mandatory	873,284	864,401		
Total	1,886,912	2,024,901		
Agriculture, Nutrition, and Forestry	8,018	8,190	114,937	107,310
Armed Services	150,600	150,412	107	104
Banking, Housing, and Urban Affairs	24,537	5,071	0	0
Commerce, Science, and Transportation	15,506	11,140	1,576	1,580
Energy and Natural Resources	4,548	5,413	62	62
Environment and Public Works	42,894	3,258	0	0
Finance	1,387,460	1,376,610	643,216	642,308
Foreign Relations	27,208	26,621	159	159
Homeland Security and Governmental Affairs	109,890	107,189	20,839	20,839
Judiciary	20,582	12,269	846	837
Health, Education, Labor, and Pensions	2,180	6,074	4,075	4,038
Rules and Administration	40	8	25	25
Intelligence	0	0	514	514
Veterans' Affairs	1,018	1,262	86,821	86,519
Indian Affairs	732	1,207	0	0
Small Business	0	0	0	0
Unassigned to Committee	−736,650	−730,082	107	106
Total	2,945,475	3,009,543	873,284	864,401

*Pursuant to section 314(a) of the Congressional Budget Act of 1974, the allocation to the Committee on Appropriations will be adjusted following the reporting of bills, offering of amendments, or submission of conference reports that qualify for adjustments to the discretionary spending limits as outlined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 116 OF THE BIPARTISAN BUDGET ACT OF 2013 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT 5-YEAR: 2015–2019

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	58,115	57,023	587,774	532,574
Armed Services	805,266	804,736	526	516
Banking, Housing, and Urban Affairs	114,495	−4,264	0	0
Commerce, Science, and Transportation	82,886	59,979	8,784	8,742
Energy and Natural Resources	23,650	25,444	310	310
Environment and Public Works	213,617	15,993	0	0
Finance	8,300,957	8,290,424	3,711,730	3,709,606
Foreign Relations	126,459	123,509	795	795
Homeland Security and Governmental Affairs	593,877	580,572	109,735	109,735
Judiciary	67,285	71,752	4,503	4,486
Health, Education, Labor, and Pensions	16,997	32,485	22,398	22,084
Rules and Administration	195	50	136	136
Intelligence	0	0	2,570	2,570
Veterans' Affairs	4,334	5,205	468,914	467,444
Indian Affairs	3,173	5,078	0	0
Small Business	0	0	0	0

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 116 OF THE BIPARTISAN BUDGET ACT OF 2013 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT 10-YEAR: 2015–2024

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	111,731	109,661	1,188,348	1,079,673
Armed Services	1,756,596	1,754,927	1,050	1,030
Banking, Housing, and Urban Affairs	206,853	−56,229	0	0
Commerce, Science, and Transportation	168,434	119,655	20,047	19,932

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 116 OF THE BIPARTISAN BUDGET ACT OF 2013 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT 10-YEAR: 2015–2024—Continued

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Energy and Natural Resources	49,697	52,232	620	620
Environment and Public Works	422,694	33,513	0	0
Finance	20,308,332	20,297,926	8,772,526	8,769,114
Foreign Relations	235,490	231,546	1,590	1,590
Homeland Security and Governmental Affairs	1,292,529	1,262,703	237,985	237,985
Judiciary	122,841	127,325	9,717	9,685
Health, Education, Labor, and Pensions	45,975	64,666	48,100	47,402
Rules and Administration	361	104	304	304
Intelligence	0	0	5,140	5,140
Veterans' Affairs	6,700	8,463	1,003,084	1,000,104
Indian Affairs	7,098	8,957	0	0
Small Business	0	0	0	0

PAY-AS-YOU-GO SCORECARD FOR THE SENATE PURSUANT TO SECTION 114(a)(2) OF THE BIPARTISAN BUDGET ACT OF 2013

$s in millions	Balances
Fiscal Years 2015 through 2019	0
Fiscal Years 2015 through 2024	0

GUN VIOLENCE EPIDEMIC

Mr. LEVIN. Mr. President, listening to your doctor is just common sense. That is why it is important for Congress to take note that this April, the American College of Physicians, ACP, our Nation's largest medical-specialty organization and second largest physician group, released an important diagnosis: that our Nation is trapped in an epidemic of gun violence. Fortunately, it also includes a treatment: a set of policy positions and recommendations to reduce gun violence in our country.

The ACP report begins with recognition that ''firearm violence is not only a criminal justice issue but also a public health threat.'' The statistics are undeniable: Guns kill over 32,000 individuals in our Nation every year—about 88 lives stolen, every day. But those are only the fatal shootings; the Centers for Disease Control and Prevention have estimated that more than 73,000 nonfatal firearm injuries occur in the United States every year. And what is a ''nonfatal'' injury? Anything from a bullet grazing someone's shoulder, to a domestic abuser taking aim at a spouse's heart and striking the arm, to a child accidentally shooting him or herself in the stomach and barely surviving. ''Nonfatal'' gun injuries may evade the first sad statistic, but they can be devastating all the same. These statistics also belie the collateral damage the families, friends and communities shattered by a pull of the trigger.

The ACP report surveyed the highly trained and clinically minded internists whom we entrust with our health and well-being, along with that of our families, children and communities. Direct experience with the problem was widespread, with 63 percent of surveyed internists reporting having had patients who were injured or given fatal wounds by a gun. Other results showed overwhelming consensus: that 85 percent of surveyed internists believe firearm injuries are a public health issue; 95 percent support mandatory background checks on all firearm purchases; 86 percent support a ban on military-style assault weapons; 85 percent support a ban on high-capacity ammunition magazines; and 86 percent support the creation of requirements that all firearms include child-proof safety features. 76 percent of respondents agreed that gun safety legislation would ''help to reduce the risk for gun related injuries or deaths.''

Responding to this consensus, the ACP report includes several recommendations to reduce gun violence in our society. It argues that all gun sales should be ''subject to satisfactory completion of a criminal background check,'' and supports enactment of ''a universal background check system to keep guns out of the hands'' of dangerous individuals. Fortunately, there is legislation pending in this Congress that would do just that.

It also supports the ''enactment of legislation to ban the sale and manufacture for civilian use of firearms that have features designed to increase their rapid killing capacity (often called assault weapons.')'' Legislation pending in this Congress would also accomplish that goal.

In addition, the report argues for ''strong penalties and criminal prosecution for those who sell firearms illegally and those who legally purchase firearms for those who are banned from possession of them''—so called ''straw'' purchases. And yes, there is legislation pending in this Congress to do that too.

Mr. President, our Nation's medical community agrees with our law enforcement community, and the 90 percent of Americans who support sensible gun safety reforms. I urge my colleagues to listen to these important voices and to pass the commonsense pieces of legislation already pending before this body. The cost of inaction is just too high.

DATA ACT

Mr. CARPER. Mr. President, I rise today to commend my colleagues in the Senate and House for coming together last month to pass the Digital Accountability and Transparency Act of 2014, which is known as the DATA Act. The measure enjoyed near unanimous support in both bodies, and I expect President Obama to sign the DATA Act into law shortly.

This legislation seeks to ensure that Federal agencies have a framework in place to standardize their financial data, and will better ensure that expenditure data for all of our agencies is accessible to taxpayers and Congress. This will represent an important step toward a more transparent and responsive government.

Passage of the DATA Act, though, is merely the first step towards improving transparency into how the Federal Government spends taxpayer dollars. Now comes the hard part—implementation. I know that Federal agencies and the Office of Management and Budget will face challenges in implementing the bill. To that effect, I have received a letter from Beth Cobert, the Deputy Director for Management at the Office of Management and Budget, expressing concern about implementing the bill without additional resources.

As with any legislation, our job does not end when the President signs the bill. I believe that those of us here in Congress have the responsibility to work with the administration to ensure that laws—such as the DATA Act—that we enact have the support they need to be implemented. That is why I will work with my colleagues on the Appropriations committees to help make sure Federal agencies have the resources they need to meet the requirements of the bill. I invite my colleagues who worked so hard to pass this legislation to join me in this continuing effort.

With that being said, I ask unanimous consent that Ms. Cobert's letter be printed in the RECORD in its entirety.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC., May 1, 2014.

Hon. THOMAS R. CARPER,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN CARPER: The Administration recognizes and appreciates your commitment to Government transparency and accountability, and appreciates the Committee on Homeland Security and Government Affairs' leadership on these issues.

The Administration supports the objectives of the Digital Accountability and Transparency Act of 2014 (DATA Act) which would establish Government-wide data

standards for financial data and assist in making Government-wide spending more accessible. The Administration appreciates the bill's support for establishing data standards and we additionally appreciate the bill's statement of confidence in the Office of Management and Budget (OMB) and the Department of Treasury (Treasury). The Administration is currently working to improve Federal spending transparency. For example, we will soon roll-out a refreshed USAspending.gov with better search capabilities and functionality to manipulate the data and issue guidance to improve USAspending.gov's data quality. Additionally, we completed the transition of USAspending.gov to the Department of Treasury to take advantage of its core functions on agency financial reporting and ongoing work with other initiatives related to transparency in Federal spending.

To implement the legislation, Executive branch agencies will need to work to redesign the structure of existing financial systems, adopt new data standards, and review future budgetary requests to ensure compliance with the new definitions. However, the legislation does not provide funds to OMB, Treasury, or any agency to develop and implement new data standards under the timeframes prescribed. Without specific appropriations, this bill's requirements would require that agencies either divert agency resources from other mission critical activities, or implement requirements based on current funding and the timeframes that permits.

Also, the bill requires agencies to report information by ''program activities.'' The FY 2015 President's Budget includes 1,275 executive budget accounts that track Federal agencies' spending. Currently, Executive Branch agencies' Federal financial systems are not designed to report by ''program activity'' as defined by the legislation. ''Program activities'' can and do change from year to year as a result of Congressional or other action. To avoid public reporting of information that is incomplete or potentially inaccurate, Executive Branch agencies will implement these requirements initially through reporting at the budget account level. We commit to implement the statute by working on efforts to report below the budget account level in a manner that clearly links to the spending data in agency financial systems. We share a common goal with data transparency, however, OMB needs to ensure that our approach considers the realities of the funding environment and reflects how funds are currently tracked through the budget process and in agency financial systems.

We look forward to working with you to pursue our shared goal of improving Federal spending transparency.

Sincerely,

BETH COBERT,
Deputy Director for Management,
Office of Management and Budget.

SCRIPPS FLORIDA INSTITUTE

Mr. NELSON. Mr. President, I rise to recognize an important meeting taking place this week at the Scripps Research Institute in my home State of Florida that coincides with Older Americans Month. Leaders in the field of aging and medical research are gathering at this internationally renowned research facility to discuss their latest research at a symposium, the first of its kind, entitled, ''Therapeutic Approaches for Extending Healthspan: The Next 10 Years.''

Headquartered in California, the Scripps Institute has long been recognized as a leader in biomedical sciences. Establishing an additional Scripps research facility in Florida in 2009 represents an extension of this tradition of world-class research excellence to our State. Scripps Florida is working on finding answers to some of the most critical biomedical questions that confront us today through six academic departments targeting the areas of cancer biology, chemistry, infectious diseases, molecular therapeutics, neuroscience, and the relationship between metabolism and aging. Hopefully, this symposium will lead to a series of gatherings where experts can forge collaborative partnerships and work toward improving the quality of life for aging adults.

Over the past decade, Scripps has advanced existing knowledge on aging-related diseases such as blindness, atherosclerosis, deafness, and amyloid diseases that cause Alzheimer's, Parkinson's, and Huntington's Diseases, among others. This forum will focus on novel research in the field of aging and establish a path for research into the next decade. Though the field shows enormous promise for the future, barriers still exist in translating research into clinical applications. Experts participating in this symposium will discuss how to overcome these challenges to provide meaningful medical solutions for our aging Nation.

As chairman of the Senate Special Committee on Aging, I am aware of the daily challenges faced by many older Americans. Like the roundtable hosted by the Aging Committee last October to discuss the state of aging research, I believe these opportunities to bring our Nation's best scientists, physicians, and researchers together are essential if we are going to conquer aging-related diseases such as Alzheimer's and dementia. As such, we must continue to support research that drives innovation, advances current knowledge, and encourages collaboration among our Nation's greatest thinkers.

As the number of older Americans continues to grow, we must support research efforts that provide paths to treatment or prevention so our Nation's seniors can enjoy living out their golden years with dignity.

REMEMBERING ISAAC GREGGS

Ms. LANDRIEU. Mr. President, I wish to ask my colleagues to join me in recognizing the distinguished former Southern University Director of Bands who passed on April 28, 2014, at the age of 85 in Baton Rouge, LA. Dr. Greggs was the third child born in Shreveport, LA on January 22, 1929 to Sarah and Isaac Greggs. Dr. Greggs was baptized in the Bethel Baptist Church in Frierson, LA and later joined the Mount Pilgrim Baptist Church in Baton Rouge. He was a visionary, who created and led the Southern University Marching Band, affectionately known as the Human Jukebox for 36 years.

Dr. Greggs graduated from Central Colored High School in Shreveport, LA and at 15 years of age enrolled in Southern University and A & M College in Baton Rouge, LA. where he received a B.S. in music education. He received a M.S. in music education from Vander Cook College in Chicago, IL. Later, he entered the University of Peru to complete his doctorate degree in music. He was then drafted into the U.S. Army. His service in the Army was honored with and dedicated to playing in the Army band, 4th Division, 4th Infantry, APO 39, and to playing early morning reverie. While in Germany, he received the Occupational Medal.

After his return from service in the U.S. Army, he began teaching at J. S. Clark Junior High School and Notre Dame High School in Shreveport, LA. He and his family later moved to Baton Rouge, LA where he taught and directed the band at the Southern University Laboratory School. During his tenure at Southern University, Dr. Greggs directed countless future band directors, musicians, and myriad of industry leaders outside of music. He attracted thousands of students to Southern, who were drawn as a result of his unmatched leadership and lyrical genius. Under his leadership, the Human Jukebox performed at six Super Bowls, four Sugar Bowls and three Presidential inaugurations. His grueling practices were well known throughout Louisiana and the discipline that Dr. Greggs instilled in his musicians produced exceptional results year end and year out. Dr. Greggs retired in 2005.

With pride, the State of Louisiana honored Dr. Greggs in 2013 by inducting the legendary band leader into the Louisiana Black History Hall of Fame for his commitment to serving African American students for nearly four decades. He was also the recipient of the Key of Life Award at the 31st NAACP Image Awards; an award created in honor of Stevie Wonder and presented each year to a musician who embodies Wonder's ''inner vision.''

Dr. Isaac Greggs was a true inspiration to all that had the great privilege of knowing him. I am grateful and honored to have known him. He will be greatly missed. My deepest condolences go out to his wife of 58 years, Rose Audrey Metoyer Greggs; his children: Audree Greggs Vaughn (Percy), Colette Greggs, Dedrick Jon Greggs (Carla), and Mark Eric Greggs (Tricia); grandchildren: Kirsten Vaughn Watson (Benjamin), Kory Greggs Vaughn MD, Jamal Greggs Russell, Kyle Greggs Russell, Daniel Isaac Greggs and Casey Daniel Greggs; great-grandchildren Grace Makayla Watson, Naomi Love Watson, Isaiah Benjamin Watson and Judah Seth Watson, and a host of other relatives, family and friends. He was preceded in death by his parents: Sarah and Isaac Greggs, brother Edmond and sister Ellen Greggs.

His legacy could not end without, ''It's gonna be alright; just make it right.''

It is with my heartfelt and greatest sincerity that I ask my colleagues to join me along with Dr. Isaac Gregg's family in recognizing the life and many accomplishments of this incredible musician, leader, and mentor, as well as his lasting impact throughout the Nation.

ADDITIONAL STATEMENTS

SIOUX COUNTY, IOWA

• Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State, and it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Sioux County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Sioux County worth over $1.2 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than $21.6 million to the local economy.

Of course my favorite memory of working together has to be working on the community health center. The Promise Center in Sioux County has opened doors and created opportunities for accessible care for so many Iowans in this region. I am encouraged by the progress in Northwest Iowa, and I look forward to learning how this center has transformed the community.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In Northwest Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects, including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Sioux County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Sioux County, I have fought for funding for Northwestern College for nursing training and arts projects worth $490,000, helping to create jobs and expand economic opportunities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than $132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Sioux County has received $720,933 in Harkin grants. Similarly, schools in Sioux County have received funds that I designated for Iowa Star Schools for technology totaling $20,000.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Sioux County has received more than $11 million from a variety of farm bill programs.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Sioux County has recognized this important issue by securing more than $800,000 for the Community Health Center.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living, and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Sioux County, both those with and without disabilities, and they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Sioux County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Sioux County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.•

BUENA VISTA COUNTY, IOWA

• Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my

final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Buena Vista County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Buena Vista County worth over $4.9 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than $23.6 million to the local economy.

Of course my favorite memory of working together has to be working with Buena Vista University to secure more than $5.5 million since 1995 for renovations and investments to the campus, including course development needs, modernizing technology and equipment, and support for distance learning programs.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In Northwest Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects, including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Buena Vista County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Buena Vista County, I have fought for funding for more than $2.5 million to dredge Storm Lake, helping to create jobs and expand economic opportunities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than $132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Buena Vista County has received $424,090 in Harkin grants. Similarly, schools in Buena Vista County have received funds that I designated for Iowa Star Schools for technology totaling $175,000.

Disaster mitigation and prevention: In 1993, when historic floods ripped through Iowa, it became clear to me that the national emergency-response infrastructure was woefully inadequate to meet the needs of Iowans in flood-ravaged communities. I went to work dramatically expanding the Federal Emergency Management Agency's hazard mitigation program, which helps communities reduce the loss of life and property due to natural disasters and enables mitigation measures to be implemented during the immediate recovery period. Disaster relief means more than helping people and businesses get back on their feet after a disaster, it means doing our best to prevent the same predictable flood or other catastrophe from recurring in the future. The hazard mitigation program that I helped create in 1993 provided critical support to Iowa communities impacted by the devastating floods of 2008. Buena Vista County has received over $12 million to remediate and prevent widespread destruction from natural disasters.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as Chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Buena Vista County has received more than $5.9 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Buena Vista County's fire departments have received over $596,000 for firefighter safety and operations equipment.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Buena Vista County has recognized this important issue by securing more than $2 million for the United Community Health Center.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Buena Vista County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Buena Vista County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

TRIBUTE TO CHRIS EDEN

● Mr. VITTER. Mr. President, I wish to honor Lt. Col. Christopher Robert Eden on his retirement from the United States Air Force. Lieutenant Colonel Eden is retiring after nearly 21 years of service to our country. He was born at Williams AFB, Arizona, in 1970 and grew up in the shadows of one of our Nation's finest service academies, the United States Air Force Academy in Colorado Springs. Inspired by his grandfather who flew B–29s in World War II and his father and uncle who both graduated from the Academy and were Air Force pilots, Chris dreamed of someday following in their footsteps. In 1989, he was recruited to play baseball at the Air Force Academy Preparatory School and later accepted an appointment to the Academy. He graduated in the class of 1994, having been selected as a Rugby All-American during his senior year. Upon graduation, Chris received one of several coveted pilot training slots available at Reece AFB, Texas, and graduated in 1995 as the top T–1 Graduate.

During his first assignment flying C–21As at Yokota Air Base, Japan, Chris transported high-level dignitaries traveling throughout Asia and the Pacific, including diplomatic missions to North Korea. While fulfilling this assignment, he was upgraded to Instructor Pilot and was assigned to fly the C–17A at Charleston AFB, South Carolina. Here, Chris commanded emergency nuclear airlift, aeromedical evacuation, humanitarian relief, Presidential support,

and combat missions to support Operations Allied Force, Southern Watch, Northern Watch, Iraqi Freedom, and Enduring Freedom.

In his next assignment as Chief of Flight Operations and Acceptance/Test Pilot at the Boeing C–17A Plant in Long Beach, CA, Chris tested and accepted new C–17A aircraft, developed and flew the first commercial C–17 FAA noise certification tests, developed crew training and aircraft delivery procedures, and authored and implemented new fuel tank leak check procedures. While serving in Long Beach, he upgraded to Evaluator Pilot, and his unit was honored with the Department of Defense Flight Operations of the Year Award.

As Chief of C–17A Requirements at Headquarters Air Mobility Command at Scott AFB, Illinois, Chris helped continue to grow the C–17A fleet while receiving a Masters in Management and Leadership from Webster University. In his final year at Scott AFB, he was selected to fly in the 89th Airlift Wing at Joint Base Andrews, Maryland.

As chief of training and chief pilot at Andrews, Chris transported our Nation's leaders in two administrations, including the Vice President, the First Lady, Secretary of State, Secretary of Defense, and Chairman of the Joint Chiefs. During this assignment, he was upgraded to Evaluator Pilot and trained the squadron's newest pilots to adhere to the highest SAMFOX standards of the 1st Airlift Squadron's no-fail missions.

During his Air Force career, Chris flew more than 5,100 hours and received many awards, including the Joint Service Achievement Medal, the Defense Meritorious Service Medal, the Air Medal, and the Aerial Achievement Medal. Throughout his accomplishments, Chris proved to be an effective and humble leader, displaying dedication, loyalty, and respect to the mission and the Air Force. His exceptional character should make us all proud that we have men and women like Chris serving in our Armed Forces.

I congratulate Lt. Col. Christopher Robert Eden for his many achievements and honors, but most of all, I thank him for his for exemplary service to our country. Fly Safe and Go Zoomies!●

BILLIONTH BAKKEN BARREL

● Mr. WALSH. Mr. President, last week, somewhere in Montana or North Dakota, the Bakken formation released its billionth barrel of crude oil. I applaud the hardworking Montanans and other workers who are part of this extraordinary development.

As debate over the Keystone XL Pipeline drags on and the President inexcusably continues to delay that project, it is important to appreciate how much has changed in less than a decade in the American energy sector. As the commander in 2004 and 2005 of the largest deployment of Montanans to war since World War II, I understand firsthand the costs of dependence on oil from hostile places.

That same dependence costs our pocketbooks. Since multistage horizontal hydraulic fracturing has revolutionized oil and gas production in this country, we have been able to fill our tanks and tractors with more American oil. Yet last year we still spent $384 billion on 3.5 billion barrels of foreign oil.

When that comes from close allies like Canada, whose industry is closely integrated with the American economy, we all prosper. But we remain unacceptably reliant on countries who sell us oil and then work to undermine our national security.

What does 1 billion barrels from the Bakken mean? That is 1 billion barrels of oil that did not come from places like Iran, Venezuela, Algeria or Russia.

It is 1 billion barrels of oil whose exploration, development, production, transportation, and refining occurred in the United States, injecting cash and strengthening our economy at home. While the Bakken boom, like any surge in a single sector, has brought its share of growing pains, overall it has strengthened Montana's economy, creating thousands of jobs in towns from Sidney and Fairview to Miles City and Billings, long-term investments in infrastructure and a skilled workforce.

Montana's role in the Bakken is a story of entrepreneurs. The Bakken itself was first cracked over a decade ago by a Billings geologist, Richard Findley, and his team, in the Elm Coulee Field. Montanans have continued to start new small businesses focused on the Bakken.

As we celebrate the success of the Bakken, we can also point to other energy projects around Montana that are also helping increase our energy security, from enhanced oil recovery to carbon sequestration for coal. Montana's rich renewable resources: wind, solar, geothermal, and biomass are also creating good-paying jobs and producing energy.

I salute these innovators for their continued success to make America more energy secure and create jobs in Montana.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:22 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. 4487. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2015, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4487. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2015, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2280. A bill to approve the Keystone XL Pipeline.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 839. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes (Rept. No. 113–156).

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. ROCKEFELLER (for himself and Mr. WALSH):

S. 2287. A bill to facilitate the development and commercial deployment of carbon capture and sequestration technologies, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2288. A bill to amend the Internal Revenue Code of 1986 to expand existing tax credits to encourage the capture, utilization, and sequestration of carbon dioxide; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. INHOFE) (by request):

S. 2289. A bill to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; to the Committee on Armed Services.

By Mr. MENENDEZ:

S. 2290. A bill to increase the maximum penalty for unfair and deceptive practices relating to advertising of the costs of air transportation; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 434. A resolution electing Andrew B. Willison as the Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 435. A resolution notifying the President of the United States of the election of a Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 436. A resolution notifying the House of Representatives of the election of a Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. UDALL of Colorado (for himself, Mr. CORNYN, Mr. HELLER, Mr. MENENDEZ, Mr. UDALL of New Mexico, Mr. REID, Mr. CRUZ, Mr. BENNET, and Mr. KIRK):

S. Res. 437. A resolution recognizing the historic significance of the Mexican holiday of Cinco de Mayo; considered and agreed to.

ADDITIONAL COSPONSORS

S. 490

At the request of Mr. HELLER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 490, a bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles.

S. 501

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 875

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 875, a bill to amend title 38, United States Code, to require the reporting of cases of infectious diseases at facilities of the Veterans Health Administration, and for other purposes.

S. 933

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Massachusetts (Mr. MARKEY), the Senator from New York (Mr. SCHUMER), the Senator from Arkansas (Mr. PRYOR) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 933, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2018.

S. 948

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 948, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program.

S. 1011

At the request of Mr. JOHANNS, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1011, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 1049

At the request of Mr. HELLER, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1049, a bill to direct the Secretary of the Interior and Secretary of Agriculture to expedite access to certain Federal lands under the administrative jurisdiction of each Secretary for good Samaritan search-and-recovery missions, and for other purposes.

S. 1174

At the request of Mr. BLUMENTHAL, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1187

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1187, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 1445

At the request of Mr. PRYOR, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes.

S. 1587

At the request of Mr. MARKEY, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1587, a bill to posthumously award the Congressional Gold Medal to each of Glen Doherty and Tyrone Woods in recognition of their contributions to the Nation.

S. 1862

At the request of Mr. BLUNT, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1862, a bill to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

S. 2037

At the request of Mr. ROBERTS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2037, a bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services.

S. 2192

At the request of Mr. MARKEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2192, a bill to amend the National Alzheimer's Project Act to require the Director of the National Institutes of Health to prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institutes) for the initiatives of the National Institutes of Health pursuant to such an Act.

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2192, supra.

S. 2210

At the request of Ms. HEITKAMP, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2210, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to make loan guarantees and grants to finance certain improvements to school lunch facilities, to train school food service personnel, and for other purposes.

S. 2282

At the request of Mr. ROBERTS, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of S. 2282, a bill to prohibit the provision of performance awards to employees of the Internal Revenue Service who owe back taxes.

S. RES. 421

At the request of Mr. BURR, his name was added as a cosponsor of S. Res. 421, a resolution expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II.

S. RES. 426

At the request of Mr. COONS, the names of the Senator from California (Mrs. BOXER), the Senator from Maryland (Mr. CARDIN), the Senator from Michigan (Mr. LEVIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 426, a resolution supporting the goals and ideals of World Malaria Day.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself and Mr. WALSH):

S. 2287. A bill to facilitate the development and commercial deployment of carbon capture and sequestration technologies, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing two bills, S. 2287 and S. 2288, to help advance commercial deployment of clean coal technologies. The Carbon Capture and Sequestration Deployment Act of 2014 and the Expanding Carbon Capture through Enhanced Oil Recovery Act of 2014. These pieces of legislation would invest in carbon capture and sequestration, CCS, research and development; expand tax credits for companies investing in CCS technologies; and create loan guarantees for construction of new CCS facilities and retrofits of existing facilities.

As I have said many times before, the reality remains for West Virginia and our Nation—we need coal and we simply cannot meet our energy demands without coal.

That being said, it is unrealistic to think that coal is as clean as it could be, or that it will be around forever. Yet to think that we can stop burning coal and shift to cleaner sources of energy immediately is simply not viable. We must place our focus on a feasible alternative, and carbon capture and sequestration technologies can provide just that.

The legislation I am introducing today combines several of my proposals in past years with new ideas for improving CCS deployment, including an expansion of tax credits for companies utilizing and improving upon CCS technology.

The Carbon Capture and Sequestration Deployment Act of 2014 would authorize $1 billion over 15 years for an industry-government research program through the Department of Energy and authorize $20 billion in loan guarantees to be used for the construction or retrofitting of facilities utilizing CCS technology, and for the construction of CO_2 transmission pipelines. Moreover, it modifies the existing Carbon Dioxide Sequestration Tax Credit, 45Q, currently capped and available on a first come-first served basis, by allowing projects to apply for an allocation of credits to use in the future, and ensuring that multiple projects will have the opportunity to take advantage of these important credits. Finally, it creates a new investment tax credit. Carbon capture and sequestration facilities that operate with at least a 65 percent capture rate would receive an investment tax credit of 15 percent of their costs. Those operating with a higher capture rate, up to 100 percent of CO_2 emissions, would receive a maximum credit of 30 percent of their costs.

The second piece of legislation, the Expanding Carbon Capture through Enhanced Oil Recovery Act of 2014, expands the Carbon Dioxide Sequestration Tax Credit, 45Q, tax credit to help advance capture technology through the greater use of carbon dioxide enhanced oil recovery, CO_2- EOR, in the United States.

A decades-old and proven practice, CO_2-EOR involves injecting CO_2 into already-developed oil fields to coax additional production. According to the National Energy Technology Laboratory, increasing the supply of CO_2 captured from man-made sources has the potential to increase American oil production by tens of billions of barrels, while safely storing billions of tons of CO_2 underground.

The existing 45Q tax credit remains insufficient to take advantage of CO_2-EOR's potential. New, additional 45Q credits would be awarded via competitive bidding in a way that will make certain that the government is incentivizing carbon capture to be used in EOR without overpaying, and that credits are available and sufficient for the range of potential man-made sources of CO_2.

According to the National Enhanced Oil Recovery Initiative's analysis, new 45Q credits allocated over ten years would generate more than 8 billion barrels of oil, while storing 4 billion tons of CO_2 over 40 years.

I remain committed to meeting the challenges facing the coal industry while also protecting our environment for current and future generations. I hope that others with a stake in meeting coal's challenges will join me in this effort as well.

By Mr. LEVIN (for himself and Mr. INHOFE) (by request):

S. 2289. A bill to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; to the Committee on Armed Services.

Mr. LEVIN. Mr. President, Senator INHOFE and I are introducing, by request, the administration's proposed National Defense Authorization Act for fiscal year 2015. As is the case with any bill that is introduced by request, we introduce this bill for the purpose of placing the administration's proposals before Congress and the public without expressing our own views on the substance of these proposals. As Chairman and Ranking Member of the Armed Services Committee, we look forward to giving the administration's requested legislation our most careful review and thoughtful consideration.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 434—ELECTING ANDREW B. WILLISON AS THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 434

Resolved, That Andrew B. Willison of Ohio be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 435—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 435

Resolved, That the President of the United States be notified of the election of the Honorable Andrew B. Willison as Sergeant at Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 436—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 436

Resolved, That the House of Representatives be notified of the election of the Honorable Andrew B. Willison as Sergeant at Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 437—RECOGNIZING THE HISTORIC SIGNIFICANCE OF THE MEXICAN HOLIDAY OF CINCO DE MAYO

Mr. UDALL of Colorado (for himself, Mr. CORNYN, Mr. HELLER, Mr. MENENDEZ, Mr. UDALL of New Mexico, Mr. REID, Mr. CRUZ, Mr. BENNET, and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

S. RES. 437

Whereas May 5, or ''Cinco de Mayo'' in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which Mexicans who were struggling for independence and freedom fought the Battle of Puebla;

Whereas Cinco de Mayo has become widely celebrated annually by nearly all Mexicans and Mexican-Americans, north and south of the United States-Mexico border;

Whereas the Battle of Puebla was but one of the many battles that the courageous Mexican people won in their long and brave struggle for independence and freedom;

Whereas the French army, confident that its battle-seasoned troops were far superior to the less-seasoned Mexican troops, expected little or no opposition from the Mexican army;

Whereas the French army, which had not experienced defeat against any of the finest troops of Europe in more than half a century, sustained a disastrous loss at the hands of an outnumbered and ill-equipped, but highly spirited and courageous, Mexican army;

Whereas, after 3 bloody assaults on Puebla in which more than 1,000 French soldiers lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops;

Whereas the courageous spirit that Mexican General Ignacio Zaragoza and his men

displayed during that historic battle can never be forgotten;

Whereas many brave Mexicans willingly gave their lives for the causes of justice and freedom in the Battle of Puebla on Cinco de Mayo;

Whereas the sacrifice of the Mexican fighters was instrumental in keeping Mexico from falling under European domination while, in the United States, the Union Army battled Confederate forces in the Civil War;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States was built by people from many countries and diverse cultures who were willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close ties between the people of Mexico and the people of the United States;

Whereas, in a larger sense, Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez, the president of Mexico during the Battle of Puebla, once said, ''El respeto al derecho ajeno es la paz'' (''Respect for the rights of others is peace''); and

Whereas many people celebrate Cinco de Mayo during the entire week in which the date falls: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic struggle of the people of Mexico for independence and freedom, which Cinco de Mayo commemorates; and

(2) encourages the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2974. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table.

SA 2975. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2976. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2977. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2978. Mr. INHOFE (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2979. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2980. Mr. INHOFE (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2981. Mr. BARRASSO (for himself, Mr. CORNYN, Mr. HOEVEN, Mr. INHOFE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2982. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2983. Ms. WARREN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2984. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2974. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title V, insert the following:

SEC. 5___. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

(a) IN GENERAL.—The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

''SEC. 44. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

''(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior shall not issue or promulgate any guideline or regulation relating to oil or gas exploration or production on Federal land in a State if the State has otherwise met the requirements under this Act or any other applicable Federal law.

''(b) EXCEPTION.—The Secretary may issue or promulgate guidelines and regulations relating to oil or gas exploration or production on Federal land in a State if the Secretary of the Interior determines that as a result of the oil or gas exploration or production there is an imminent and substantial danger to the public health or environment.''.

(b) REGULATIONS.—Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

''SEC. 1459. REGULATIONS.

''(a) COMMENTS RELATING TO OIL AND GAS EXPLORATION AND PRODUCTION.—Before issuing or promulgating any guideline or regulation relating to oil and gas exploration and production on Federal, State, tribal, or fee land pursuant to this Act, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Act entitled 'An Act to regulate the leasing of certain Indian lands for mining purposes', approved May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.), the Mineral Leasing Act (30 U.S.C. 181 et seq.), or any other provision of law or Executive order, the head of a Federal department or agency shall seek comments from and consult with the head of each affected State, State agency, and Indian tribe at a location within the jurisdiction of the State or Indian tribe, as applicable.

''(b) STATEMENT OF ENERGY AND ECONOMIC IMPACT.—Each Federal department or agency described in subsection (a) shall develop a Statement of Energy and Economic Impact, which shall consist of a detailed statement and analysis supported by credible objective evidence relating to—

''(1) any adverse effects on energy supply, distribution, or use, including a shortfall in supply, price increases, and increased use of foreign supplies; and

''(2) any impact on the domestic economy if the action is taken, including the loss of jobs and decrease of revenue to each of the general and educational funds of the State or affected Indian tribe.

''(c) REGULATIONS.—

''(1) IN GENERAL.—A Federal department or agency shall not impose any new or modified regulation unless the head of the applicable Federal department or agency determines—

''(A) that the rule is necessary to prevent imminent substantial danger to the public health or the environment; and

''(B) by clear and convincing evidence, that the State or Indian tribe does not have an existing reasonable alternative to the proposed regulation.

''(2) DISCLOSURE.—Any Federal regulation promulgated on or after the date of enactment of this paragraph that requires disclosure of hydraulic fracturing chemicals shall refer to the database managed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission (as in effect on the date of enactment of this Act).

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—With respect to any regulation described in this section, a State or Indian tribe adversely affected by an action carried out under the regulation shall be entitled to review by a United States district court located in the State or the District of Columbia of compliance by the applicable Federal department or agency with the requirements of this section.

''(2) ACTION BY COURT.—

''(A) IN GENERAL.—A district court providing review under this subsection may enjoin or mandate any action by a relevant Federal department or agency until the district court determines that the department or agency has complied with the requirements of this section.

''(B) DAMAGES.—The court shall not order money damages.

''(3) SCOPE AND STANDARD OF REVIEW.—In reviewing a regulation under this subsection—

''(A) the court shall not consider any evidence outside of the record that was before the agency; and

''(B) the standard of review shall be de novo.''.

SA 2975. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION B—DOMESTIC ENERGY AND JOBS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Domestic Energy and Jobs Act''.

TITLE I—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES

SEC. 2101. SHORT TITLE.

This title may be cited as the ''Gasoline Regulations Act of 2014''.

SEC. 2102. TRANSPORTATION FUELS REGULATORY COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a committee, to be known as the Transportation Fuels Regulatory Committee (referred to in this title as the ''Committee''), to analyze and report on the cumulative impacts of certain rules and actions of the Environmental Protection Agency on gasoline, diesel fuel, and natural gas prices, in accordance with sections 2103 and 2104.

(b) MEMBERS.—The Committee shall be composed of the following officials (or their designees):

(1) The Secretary of Energy, who shall serve as the Chair of the Committee.

(2) The Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

(3) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(4) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy of the Department of the Treasury.

(6) The Secretary of Agriculture, acting through the Chief Economist.

(7) The Administrator of the Environmental Protection Agency.

(8) The Chairman of the United States International Trade Commission, acting through the Director of the Office of Economics.

(9) The Administrator of the Energy Information Administration.

(c) CONSULTATION BY CHAIR.—In carrying out the functions of the Chair of the Committee, the Chair shall consult with the other members of the Committee.

(d) CONSULTATION BY COMMITTEE.—In carrying out this title, the Committee shall consult with the National Energy Technology Laboratory.

(e) TERMINATION.—The Committee shall terminate on the date that is 60 days after the date of submission of the final report of the Committee pursuant to section 2104(c).

SEC. 2103. ANALYSES.

(a) DEFINITIONS.—In this section:

(1) COVERED ACTION.—The term ''covered action'' means any action, to the extent that the action affects facilities involved in the production, transportation, or distribution of gasoline, diesel fuel, or natural gas, taken on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality), or title V (relating to permitting), of the Clean Air Act (42 U.S.C. 7401 et seq.), to an air pollutant that is identified as a greenhouse gas in the rule entitled ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'' (74 Fed. Reg. 66496 (December 15, 2009)).

(2) COVERED RULE.—The term ''covered rule'' means the following rules (and includes any successor or substantially similar rules):

(A) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86.

(B) ''National Ambient Air Quality Standards for Ozone'' (73 Fed. Reg. 16436 (March 27, 2008)).

(C) ''Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AP98.

(D) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) applicable to petroleum refineries.

(E) Any rule proposed after March 15, 2012, to implement any portion of the renewable fuel program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(F) Any rule proposed after March 15, 2012, revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(b) SCOPE.—The Committee shall conduct analyses, for each of calendar years 2016 and 2020, of the prospective cumulative impact of all covered rules and covered actions.

(c) CONTENTS.—The Committee shall include in each analysis conducted under this section—

(1) estimates of the cumulative impacts of the covered rules and covered actions relating to—

(A) any resulting change in the national, State, or regional price of gasoline, diesel fuel, or natural gas;

(B) required capital investments and projected costs for operation and maintenance of new equipment required to be installed;

(C) global economic competitiveness of the United States and any loss of domestic refining capacity;

(D) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach;

(E) national, State, and regional employment, including impacts associated with changes in gasoline, diesel fuel, or natural gas prices and facility closures; and

(F) any other matters affecting the growth, stability, and sustainability of the oil and gas industries of the United States, particularly relative to that of other nations;

(2) an analysis of key uncertainties and assumptions associated with each estimate under paragraph (1);

(3) a sensitivity analysis reflecting alternative assumptions with respect to the aggregate demand for gasoline, diesel fuel, or natural gas; and

(4) an analysis and, if feasible, an assessment of—

(A) the cumulative impact of the covered rules and covered actions on—

(i) consumers;

(ii) small businesses;

(iii) regional economies;

(iv) State, local, and tribal governments;

(v) low-income communities;

(vi) public health; and

(vii) local and industry-specific labor markets; and

(B) key uncertainties associated with each topic described in subparagraph (A).

(d) METHODS.—In conducting analyses under this section, the Committee shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A–4.

(e) DATA.—In conducting analyses under this section, the Committee shall not be required to create data or to use data that is not readily accessible.

SEC. 2104. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 2103.

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after the date on which the preliminary report is submitted.

(c) FINAL REPORT.—Not later than 60 days after the expiration of the 60-day period described in subsection (b), the Committee shall submit to Congress a final report containing the analyses conducted under section 2103, including—

(1) any revisions to the analyses made as a result of public comments; and

(2) a response to the public comments.

SEC. 2105. NO FINAL ACTION ON CERTAIN RULES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 180 days after the date on which the Committee submits the final report under section 2104(c):

(1) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86, and any successor or substantially similar rule.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) that is applicable to petroleum refineries.

(3) Any rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(b) OTHER RULES NOT AFFECTED.—Subsection (a) shall not affect the finalization of any rule other than the rules described in subsection (a).

SEC. 2106. CONSIDERATION OF FEASIBILITY AND COST IN REVISING OR SUPPLEMENTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.

In revising or supplementing any national primary or secondary ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator of the Environmental Protection Agency shall take into consideration feasibility and cost.

SEC. 2107. FUEL REQUIREMENTS WAIVER AND STUDY.

(a) WAIVER OF FUEL REQUIREMENTS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting ''a problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives,'' after ''equipment failure,'';

(2) in clause (iii)(II), by inserting before the semicolon at the end the following: ''(except that the Administrator may extend the effectiveness of a waiver for more than 20 days if the Administrator determines that the conditions under clause (ii) supporting a waiver determination will exist for more than 20 days)'';

(3) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(4) by adding at the end the following:

''(vii) PRESUMPTIVE APPROVAL.—Notwithstanding any other provision of this subparagraph, if the Administrator does not approve or deny a request for a waiver under this subparagraph within 3 days after receipt of the request, the request shall be deemed to be approved as received by the Administrator and the applicable fuel standards shall be waived for the period of time requested.''.

(b) FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.—Section 1509 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1083) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting ''biofuels,'' after ''oxygenated fuel,''; and

(B) in paragraph (2)(G), by striking ''Tier II'' and inserting ''Tier III''; and

(2) in subsection (b)(1), by striking ''2008'' and inserting ''2014''.

TITLE II—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

SEC. 2201. SHORT TITLE.

This title may be cited as the ''Planning for American Energy Act of 2014''.

SEC. 2202. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.

The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

"SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY.

''(a) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(2) STRATEGIC AND CRITICAL ENERGY MINERALS.—The term 'strategic and critical energy minerals' means—

''(A) minerals that are necessary for the energy infrastructure of the United States, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production; and

''(B) minerals that are necessary to support domestic manufacturing, including materials used in energy generation, production, and transportation.

''(3) STRATEGY.—The term 'Strategy' means the Quadrennial Federal Onshore Energy Production Strategy required under this section.

''(b) STRATEGY.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture with regard to land administered by the Forest Service, shall develop and publish every 4 years a Quadrennial Federal Onshore Energy Production Strategy.

''(2) ENERGY SECURITY.—The Strategy shall direct Federal land energy development and department resource allocation to promote the energy security of the United States.

''(c) PURPOSES.—

''(1) IN GENERAL.—In developing a Strategy, the Secretary shall consult with the Administrator of the Energy Information Administration on—

''(A) the projected energy demands of the United States for the 30-year period beginning on the date of initiation of the Strategy; and

''(B) how energy derived from Federal onshore land can place the United States on a trajectory to meet that demand during the 4-year period beginning on the date of initiation of the Strategy.

''(2) ENERGY SECURITY.—The Secretary shall consider how Federal land will contribute to ensuring national energy security, with a goal of increasing energy independence and production, during the 4-year period beginning on the date of initiation of the Strategy.

''(d) OBJECTIVES.—The Secretary shall establish a domestic strategic production objective for the development of energy resources from Federal onshore land that is based on commercial and scientific data relating to the expected increase in—

''(1) domestic production of oil and natural gas from the Federal onshore mineral estate, with a focus on land held by the Bureau of Land Management and the Forest Service;

''(2) domestic coal production from Federal land;

''(3) domestic production of strategic and critical energy minerals from the Federal onshore mineral estate;

''(4) megawatts for electricity production from each of wind, solar, biomass, hydropower, and geothermal energy produced on Federal land administered by the Bureau of Land Management and the Forest Service;

''(5) unconventional energy production, such as oil shale;

''(6) domestic production of oil, natural gas, coal, and other renewable sources from tribal land for any federally recognized Indian tribe that elects to participate in facilitating energy production on the land of the Indian tribe; and

''(7) domestic production of geothermal, solar, wind, or other renewable energy sources on land defined as available lands under section 203 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 109, chapter 42), and any other land considered by the Territory or State of Hawaii, as the case may be, to be available lands.

''(e) METHODOLOGY.—The Secretary shall consult with the Administrator of the Energy Information Administration regarding the methodology used to arrive at the estimates made by the Secretary to carry out this section.

''(f) EXPANSION OF PLAN.—The Secretary may expand a Strategy to include other energy production technology sources or advancements in energy production on Federal land.

''(g) TRIBAL OBJECTIVES.—

''(1) IN GENERAL.—It is the sense of Congress that federally recognized Indian tribes may elect to set the production objectives of the Indian tribes as part of a Strategy under this section.

''(2) COOPERATION.—The Secretary shall work in cooperation with any federally recognized Indian tribe that elects to participate in achieving the strategic energy objectives of the Indian tribe under this subsection.

''(h) EXECUTION OF STRATEGY.—

''(1) DEFINITION OF SECRETARY CONCERNED.—In this subsection, the term 'Secretary concerned' means—

''(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

''(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

''(2) ADDITIONAL LAND.—The Secretary concerned may make determinations regarding which additional land under the jurisdiction of the Secretary concerned will be made available in order to meet the energy production objectives established by a Strategy.

''(3) ACTIONS.—The Secretary concerned shall take all necessary actions to achieve the energy production objectives established under this section unless the President determines that it is not in the national security and economic interests of the United States—

''(A) to increase Federal domestic energy production; and

''(B) to decrease dependence on foreign sources of energy.

''(4) LEASING.—In carrying out this subsection, the Secretary concerned shall only consider leasing Federal land available for leasing at the time the lease sale occurs.

''(i) STATE, FEDERALLY RECOGNIZED INDIAN TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In developing a Strategy, the Secretary shall solicit the input of affected States, federally recognized Indian tribes, local governments, and the public.

''(j) ANNUAL REPORTS.—

''(1) IN GENERAL.—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 an annual report describing the progress made in meeting the production goals of a Strategy.

''(2) CONTENTS.—In a report required under this subsection, the Secretary shall—

''(A) make projections for production and capacity installations;

''(B) describe any problems with leasing, permitting, siting, or production that will prevent meeting the production goals of a Strategy; and

''(C) make recommendations to help meet any shortfalls in meeting the production goals.

''(k) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement for carrying out this section.

''(2) COMPLIANCE.—The programmatic environmental impact statement shall be considered sufficient to comply with all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for all necessary resource management and land use plans associated with the implementation of a Strategy.

''(l) CONGRESSIONAL REVIEW.—

''(1) IN GENERAL.—Not later than 60 days before publishing a proposed Strategy under this section, the Secretary shall submit to Congress and the President the proposed Strategy, together with any comments received from States, federally recognized Indian tribes, and local governments.

''(2) RECOMMENDATIONS.—The submission shall indicate why any specific recommendation of a State, federally recognized Indian tribe, or local government was not accepted.

''(m) ADMINISTRATION.—Nothing in this section modifies or affects any multiuse plan.

''(n) FIRST STRATEGY.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to Congress the first Strategy.''.

TITLE III—ONSHORE OIL AND GAS LEASING CERTAINTY

SEC. 2301. SHORT TITLE.

This title may be cited as the ''Providing Leasing Certainty for American Energy Act of 2014''.

SEC. 2302. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(1) by striking ''SEC. 17. (a) All lands'' and inserting the following:

"SEC. 17. LEASE OF OIL AND GAS LAND.

''(a) AUTHORITY.—

''(1) IN GENERAL.—All land''; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

''(2) MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.—

''(A) IN GENERAL.—In conducting lease sales under this section, each year, the Secretary shall offer for sale not less than 25 percent of the annual nominated acreage not previously made available for lease.

''(B) REVIEW.—The offering of acreage offered for lease under this paragraph shall not be subject to review.

''(C) CATEGORICAL EXCLUSIONS.—Acreage offered for lease under this paragraph shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942), except that extraordinary circumstances shall not be required for a categorical exclusion under this paragraph.

''(D) LEASING.—In carrying out this subsection, the Secretary shall only consider leasing of Federal land that is available for leasing at the time the lease sale occurs.''.

SEC. 2303. LEASING CERTAINTY AND CONSISTENCY.

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) (as amended by section 2302) is amended by adding at the end the following:

''(3) LEASING CERTAINTY.—

''(A) IN GENERAL.—The Secretary shall not withdraw approval of any covered energy project involving a lease under this Act without finding a violation of the terms of the lease by the lessee.

''(B) DELAY.—The Secretary shall not infringe on lease rights under leases issued

under this Act by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights-of-way for activities under a lease.

''(C) AVAILABILITY OF NOMINATED AREAS.—Not later than 18 months after an area is designated as open under the applicable land use plan, the Secretary shall make available nominated areas for lease under paragraph (2).

''(D) ISSUANCE OF LEASES.—Notwithstanding any other provision of law, the Secretary shall issue all leases sold under this Act not later than 60 days after the last payment is made.

''(E) CANCELLATION OR WITHDRAWAL OF LEASE PARCELS.—The Secretary shall not cancel or withdraw any lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.

''(F) APPEALS.—

''(i) IN GENERAL.—The Secretary shall complete the review of any appeal of a lease sale under this Act not later than 60 days after the receipt of the appeal.

''(ii) CONSTRUCTIVE APPROVAL.—If the review of an appeal is not conducted in accordance with clause (i), the appeal shall be considered approved.

''(G) ADDITIONAL STIPULATIONS.—The Secretary may not add any additional lease stipulation for a parcel after the parcel is sold unless the Secretary—

''(i) consults with the lessee and obtains the approval of the lessee; or

''(ii) determines that the stipulation is an emergency action that is necessary to conserve the resources of the United States.

''(4) LEASING CONSISTENCY.—A Federal land manager shall comply with applicable resource management plans and continue to actively lease in areas designated as open when resource management plans are being amended or revised, until a new record of decision is signed.''.

SEC. 2304. REDUCTION OF REDUNDANT POLICIES.

Bureau of Land Management Instruction Memorandum 2010–117 shall have no force or effect.

TITLE IV—STREAMLINED ENERGY PERMITTING

SEC. 2401. SHORT TITLE.

This title may be cited as the ''Streamlining Permitting of American Energy Act of 2014''.

Subtitle A—Application for Permits To Drill Process Reform

SEC. 2411. PERMIT TO DRILL APPLICATION TIMELINE.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by striking paragraph (2) and inserting the following:

''(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall decide whether to issue a permit to drill not later than 30 days after the date on which the application for the permit is received by the Secretary.

''(B) EXTENSIONS.—

''(i) IN GENERAL.—The Secretary may extend the period described in subparagraph (A) for up to 2 periods of 15 days each, if the Secretary gives written notice of the delay to the applicant.

''(ii) NOTICE.—The notice shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) include—

''(aa) the names and positions of the persons processing the application;

''(bb) the specific reasons for the delay; and

''(cc) a specific date on which a final decision on the application is expected.

''(C) NOTICE OF REASONS FOR DENIAL.—If the application is denied, the Secretary shall provide the applicant—

''(i) a written notice that provides—

''(I) clear and comprehensive reasons why the application was not accepted; and

''(II) detailed information concerning any deficiencies; and

''(ii) an opportunity to remedy any deficiencies.

''(D) APPLICATION CONSIDERED APPROVED.—If the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application for the permit is received by the Secretary, the application shall be considered approved unless applicable reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are incomplete.

''(E) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill under this paragraph, the Secretary shall—

''(i) provide to the applicant a description of the reasons for the denial of the permit;

''(ii) allow the applicant to resubmit an application for a permit to drill during the 10-day period beginning on the date the applicant receives the description of the denial from the Secretary; and

''(iii) issue or deny any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.

''(F) FEE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii) and notwithstanding any other provision of law, the Secretary shall collect a single $6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under this paragraph.

''(ii) RESUBMITTED APPLICATIONS.—The fee described in clause (i) shall not apply to any resubmitted application.

''(iii) TREATMENT OF PERMIT PROCESSING FEE.—Subject to appropriation, of all fees collected under this paragraph, 50 percent shall be transferred to the field office where the fees are collected and used to process leases, permits, and appeals under this Act.''.

SEC. 2412. SOLAR AND WIND RIGHT-OF-WAY RENTAL REFORM.

Notwithstanding any other provision of law, each fiscal year, of fees collected as annual wind energy and solar energy right-of-way authorization fees required under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), 50 percent shall be retained by the Secretary of the Interior to be used, subject to appropriation—

(1) by the Bureau of Land Management to process permits, right-of-way applications, and other activities necessary for renewable development; and

(2) at the option of the Secretary of the Interior, by the United States Fish and Wildlife Service or other Federal agencies involved in wind and solar permitting reviews to facilitate the processing of wind energy and solar energy permit applications on Bureau of Land Management land.

Subtitle B—Administrative Appeal Documentation Reform

SEC. 2421. ADMINISTRATIVE APPEAL DOCUMENTATION REFORM.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by adding at the end the following:

''(4) APPEAL FEE.—

''(A) IN GENERAL.—The Secretary shall collect a $5,000 documentation fee to accompany each appeal of an action on a lease, right-of-way, or application for permit to drill.

''(B) TREATMENT OF FEES.—Subject to appropriation, of all fees collected under this paragraph, 50 percent shall remain in the field office where the fees are collected and used to process appeals.''.

Subtitle C—Permit Streamlining

SEC. 2431. FEDERAL ENERGY PERMIT COORDINATION.

(a) DEFINITIONS.—In this section:

(1) ENERGY PROJECTS.—The term ''energy projects'' means oil, coal, natural gas, and renewable energy projects.

(2) PROJECT.—The term ''Project'' means the Federal Permit Streamlining Project established under subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) ESTABLISHMENT.—The Secretary shall establish a Federal Permit Streamlining Project in each Bureau of Land Management field office with responsibility for issuing permits for energy projects on Federal land.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding to carry out this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Secretary of the Army, acting through the Chief of Engineers.

(2) STATE PARTICIPATION.—The Secretary may request the Governor of any State with energy projects on Federal land to be a signatory to the memorandum of understanding.

(d) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (c), all Federal signatory parties shall, if appropriate, assign to each of the Bureau of Land Management field offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the home office of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal land.

(e) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office identified under subsection (b) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple-use requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(f) FUNDING.—Funding for the additional personnel shall be derived from the Department of the Interior reforms made by sections 2411, 2412, and 2421 and the amendments made by those sections.

(g) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

SEC. 2432. ADMINISTRATION OF CURRENT LAW.

Notwithstanding any other provision of law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

Subtitle D—Judicial Review

SEC. 2441. DEFINITIONS.

In this title:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal land.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term ''covered energy project'' means the leasing of Federal land of the United States for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy, and any action under such a lease.

(B) EXCLUSION.—The term ''covered energy project'' does not include any disputes between the parties to a lease regarding the obligations under the lease, including regarding any alleged breach of the lease.

SEC. 2442. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.

Venue for any covered civil action shall lie in the United States district court for the district in which the project or leases exist or are proposed.

SEC. 2443. TIMELY FILING.

To ensure timely redress by the courts, a covered civil action shall be filed not later than 90 days after the date of the final Federal agency action to which the covered civil action relates.

SEC. 2444. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

A court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

SEC. 2445. STANDARD OF REVIEW.

In any judicial review of a covered civil action—

(1) administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct; and

(2) the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

SEC. 2446. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.

(a) IN GENERAL.—In a covered civil action, a court shall not grant or approve any prospective relief unless the court finds that the relief—

(1) is narrowly drawn;

(2) extends no further than necessary to correct the violation of a legal requirement; and

(3) is the least intrusive means necessary to correct the violation.

(b) PRELIMINARY INJUNCTIONS.—

(1) IN GENERAL.—A court shall limit the duration of a preliminary injunction to halt a covered energy project to not more than 60 days, unless the court finds clear reasons to extend the injunction.

(2) EXTENSIONS.—Extensions under paragraph (1) shall—

(A) only be in 30-day increments; and

(B) require action by the court to renew the injunction.

SEC. 2447. LIMITATION ON ATTORNEYS' FEES.

(a) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the ''Equal Access to Justice Act''), shall not apply to a covered civil action.

(b) ATTORNEY'S FEES AND COURT COSTS.—A party in a covered civil action shall not receive payment from the Federal Government for attorney's fees, expenses, or other court costs.

SEC. 2448. LEGAL STANDING.

A challenger filing an appeal with the Interior Board of Land Appeals shall meet the same standing requirements as a challenger before a United States district court.

TITLE V—EXPEDITIOUS OIL AND GAS LEASING PROGRAM IN NATIONAL PETROLEUM RESERVE IN ALASKA

SEC. 2501. SHORT TITLE.

This title may be cited as the ''National Petroleum Reserve Alaska Access Act''.

SEC. 2502. SENSE OF CONGRESS REAFFIRMING NATIONAL POLICY REGARDING NATIONAL PETROLEUM RESERVE IN ALASKA.

It is the sense of Congress that—

(1) the National Petroleum Reserve in the State of Alaska (referred to in this title as the ''Reserve'') remains explicitly designated, both in name and legal status, for purposes of providing oil and natural gas resources to the United States; and

(2) accordingly, the national policy is to actively advance oil and gas development within the Reserve by facilitating the expeditious exploration, production, and transportation of oil and natural gas from and through the Reserve.

SEC. 2503. COMPETITIVE LEASING OF OIL AND GAS.

Section 107 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a) is amended by striking subsection (a) and inserting the following:

''(a) COMPETITIVE LEASING.—

''(1) IN GENERAL.—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the Reserve in accordance with this Act.

''(2) INCLUSIONS.—The program under this subsection shall include at least 1 lease sale annually in each area of the Reserve that is most likely to produce commercial quantities of oil and natural gas for each of calendar years 2013 through 2023.''.

SEC. 2504. PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with the Secretary of Transportation, shall facilitate and ensure permits, in an environmentally responsible manner, for all surface development activities, including for the construction of pipelines and roads, necessary—

(1) to develop and bring into production any areas within the Reserve that are subject to oil and gas leases; and

(2) to transport oil and gas from and through the Reserve to existing transportation or processing infrastructure on the North Slope of Alaska.

(b) TIMELINES.—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timelines:

(1) EXISTING LEASES.—Each permit for construction relating to the transportation of oil and natural gas produced under existing Federal oil and gas leases with respect to which the Secretary of the Interior has issued a permit to drill shall be approved by not later than 60 days after the date of enactment of this Act.

(2) REQUESTED PERMITS.—Each permit for construction for transportation of oil and natural gas produced under Federal oil and gas leases shall be approved by not later than 180 days after the date of submission to the Secretary of a request for a permit to drill.

(c) PLAN.—To ensure timely future development of the Reserve, not later than 270 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a plan for approved rights-of-way for a plan for pipeline, road, and any other surface infrastructure that may be necessary infrastructure to ensure that all leasable tracts in the Reserve are located within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.

SEC. 2505. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall promulgate regulations to establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the Reserve.

(b) DEADLINES.—At a minimum, the regulations promulgated pursuant to this section shall—

(1) require the Secretary of the Interior to respond, acknowledging receipt of any permit application for development, by not later than 5 business days after the date of receipt of the application; and

(2) establish a timeline for the processing of each such application that—

(A) specifies deadlines for decisions and actions regarding permit applications; and

(B) provides that the period for issuing each permit after the date of submission of the application shall not exceed 60 days, absent the concurrence of the applicant.

(c) ACTIONS REQUIRED FOR FAILURE TO COMPLY WITH DEADLINES.—If the Secretary of the Interior fails to comply with any deadline described in subsection (b) with respect to a permit application, the Secretary shall notify the applicant not less frequently than once every 5 days with specific information regarding—

(1) the reasons for the permit delay;

(2) the name of each specific office of the Department of the Interior responsible for—

(A) issuing the permit; or

(B) monitoring the permit delay; and

(3) an estimate of the date on which the permit will be issued.

(d) ADDITIONAL INFRASTRUCTURE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, after consultation with the State of Alaska and after providing notice and an opportunity for public comment, shall approve right-of-way corridors for the construction of 2 separate additional bridges and pipeline rights-of-way to help facilitate timely oil and gas development of the Reserve.

SEC. 2506. UPDATED RESOURCE ASSESSMENT.

(a) IN GENERAL.—The Secretary of the Interior shall complete a comprehensive assessment of all technically recoverable fossil fuel resources within the Reserve, including all conventional and unconventional oil and natural gas.

(b) COOPERATION AND CONSULTATION.—The resource assessment under subsection (a) shall be carried out by the United States Geological Survey in cooperation and consultation with the State of Alaska and the American Association of Petroleum Geologists.

(c) TIMING.—The resource assessment under subsection (a) shall be completed by

not later than 2 years after the date of enactment of this Act.

(d) FUNDING.—In carrying out this section, the United States Geological Survey may cooperatively use resources and funds provided by the State of Alaska.

SEC. 2507. COLVILLE RIVER DELTA DESIGNATION.

The designation by the Environmental Protection Agency of the Colville River Delta as an aquatic resource of national importance shall have no force or effect on this title or an amendment made by this title.

TITLE VI—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

SEC. 2601. SHORT TITLE.

This title may be cited as the ''BLM Live Internet Auctions Act''.

SEC. 2602. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.

(a) AUTHORIZATION.—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

(1) in subparagraph (A), in the third sentence, by striking ''Lease sales'' and inserting ''Except as provided in subparagraph (C), lease sales''; and

(2) by adding at the end the following:

''(C) In order to diversify and expand the United States onshore leasing program to ensure the best return to Federal taxpayers, to reduce fraud, and to secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods, each of which shall be completed by not later than 7 days after the date of initiation of the sale.''.

(b) REPORT.—Not later than 90 days after the tenth Internet-based lease sale conducted pursuant to subparagraph (C) of section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) (as added by subsection (a)), the Secretary of the Interior shall conduct, and submit to Congress a report describing the results of, an analysis of the first 10 such lease sales, including—

(1) estimates of increases or decreases in the lease sales, as compared to sales conducted by oral bidding, in—

(A) the number of bidders;

(B) the average amount of the bids;

(C) the highest amount of the bids; and

(D) the lowest amount of the bids;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of the sales, as compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales, which may—

(A) provide an opportunity to better maximize bidder participation;

(B) ensure the highest return to Federal taxpayers;

(C) minimize opportunities for fraud or collusion; and

(D) ensure the security and integrity of the leasing process.

TITLE VII—ADVANCING OFFSHORE WIND PRODUCTION

SEC. 2701. SHORT TITLE.

This title may be cited at the ''Advancing Offshore Wind Production Act''.

SEC. 2702. OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECTS.

(a) DEFINITION OF OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECT.—In this section, the term ''offshore meteorological site testing and monitoring project'' means a project carried out on or in the waters of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) and administered by the Department of the Interior to test or monitor weather (including energy provided by weather, such as wind, tidal, current, and solar energy) using towers, buoys, or other temporary ocean infrastructure, that—

(1) causes—

(A) less than 1 acre of surface or seafloor disruption at the location of each meteorological tower or other device; and

(B) not more than 5 acres of surface or seafloor disruption within the proposed area affected by the project (including hazards to navigation);

(2) is decommissioned not more than 5 years after the date of commencement of the project, including—

(A) removal of towers, buoys, or other temporary ocean infrastructure from the project site; and

(B) restoration of the project site to approximately the original condition of the site; and

(3) provides meteorological information obtained by the project to the Secretary of the Interior.

(b) OFFSHORE METEOROLOGICAL PROJECT PERMITTING.—

(1) IN GENERAL.—The Secretary of the Interior shall require, by regulation, that any applicant seeking to conduct an offshore meteorological site testing and monitoring project shall obtain a permit and right-of-way for the project in accordance with this subsection.

(2) PERMIT AND RIGHT-OF-WAY TIMELINE AND CONDITIONS.—

(A) DEADLINE FOR APPROVAL.—The Secretary shall decide whether to issue a permit and right-of-way for an offshore meteorological site testing and monitoring project by not later than 30 days after the date of receipt of a relevant application.

(B) PUBLIC COMMENT AND CONSULTATION.—During the 30-day period referred to in subparagraph (A) with respect to an application for a permit and right-of-way under this subsection, the Secretary shall—

(i) provide an opportunity for submission of comments regarding the application by the public; and

(ii) consult with the Secretary of Defense, the Commandant of the Coast Guard, and the heads of other Federal, State, and local agencies that would be affected by the issuance of the permit and right-of-way.

(C) DENIAL OF PERMIT; OPPORTUNITY TO REMEDY DEFICIENCIES.—If an application is denied under this subsection, the Secretary shall provide to the applicant—

(i) in writing—

(I) a list of clear and comprehensive reasons why the application was denied; and

(II) detailed information concerning any deficiencies in the application; and

(ii) an opportunity to remedy those deficiencies.

(c) NEPA EXCLUSION.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to an offshore meteorological site testing and monitoring project.

(d) PROTECTION OF INFORMATION.—Any information provided to the Secretary of the Interior under subsection (a)(3) shall be—

(1) treated by the Secretary as proprietary information; and

(2) protected against disclosure.

TITLE VIII—CRITICAL MINERALS

SEC. 2801. DEFINITIONS.

In this title:

(1) APPLICABLE COMMITTEES.—The term ''applicable committees'' means—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Natural Resources of the House of Representatives;

(C) the Committee on Energy and Commerce of the House of Representatives; and

(D) the Committee on Science, Space, and Technology of the House of Representatives.

(2) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology related to the production, use, transmission, storage, control, or conservation of energy that—

(A) reduces the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, storing, or transporting energy with greater effectiveness in or through the infrastructure of the United States;

(B) diversifies the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; or

(C) contributes to a stabilization of atmospheric greenhouse gas concentrations through reduction, avoidance, or sequestration of energy-related greenhouse gas emissions.

(3) CRITICAL MINERAL.—

(A) IN GENERAL.—The term ''critical mineral'' means any mineral designated as a critical mineral pursuant to section 2802.

(B) EXCLUSIONS.—The term ''critical mineral'' does not include coal, oil, natural gas, or any other fossil fuels.

(4) CRITICAL MINERAL MANUFACTURING.—The term ''critical mineral manufacturing'' means—

(A) the production, processing, refining, alloying, separation, concentration, magnetic sintering, melting, or beneficiation of critical minerals within the United States;

(B) the fabrication, assembly, or production, within the United States, of clean energy technologies (including technologies related to wind, solar, and geothermal energy, efficient lighting, electrical superconducting materials, permanent magnet motors, batteries, and other energy storage devices), military equipment, and consumer electronics, or components necessary for applications; or

(C) any other value-added, manufacturing-related use of critical minerals undertaken within the United States.

(5) 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).

(6) MILITARY EQUIPMENT.—The term ''military equipment'' means equipment used directly by the Armed Forces to carry out military operations.

(7) RARE EARTH ELEMENT.—

(A) IN GENERAL.—The term ''rare earth element'' means the chemical elements in the periodic table from lanthanum (atomic number 57) up to and including lutetium (atomic number 71).

(B) INCLUSIONS.—The term ''rare earth element'' includes the similar chemical elements yttrium (atomic number 39) and scandium (atomic number 21).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior—

(A) acting through the Director of the United States Geological Survey; and

(B) in consultation with (as appropriate)—

(i) the Secretary of Energy;

(ii) the Secretary of Defense;

(iii) the Secretary of Commerce;

(iv) the Secretary of State;

(v) the Secretary of Agriculture;

(vi) the United States Trade Representative; and

(vii) the heads of other applicable Federal agencies.

(9) STATE.—The term ''State'' means—

(A) a State;

(B) the Commonwealth of Puerto Rico; and

(C) any other territory or possession of the United States.

(10) VALUE-ADDED.—The term ''value-added'' means, with respect to an activity, an activity that changes the form, fit, or function of a product, service, raw material, or physical good so that the resultant market price is greater than the cost of making the changes.

(11) WORKING GROUP.—The term ''Working Group'' means the Critical Minerals Working Group established under section 2805(a).

SEC. 2802. DESIGNATIONS.

(a) DRAFT METHODOLOGY.—Not later than 30 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register for public comment a draft methodology for determining which minerals qualify as critical minerals based on an assessment of whether the minerals are—

(1) subject to potential supply restrictions (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, and anti-competitive or protectionist behaviors); and

(2) important in use (including clean energy technology-, defense-, agriculture-, and health care-related applications).

(b) AVAILABILITY OF DATA.—If available data is insufficient to provide a quantitative basis for the methodology developed under this section, qualitative evidence may be used.

(c) FINAL METHODOLOGY.—After reviewing public comments on the draft methodology under subsection (a) and updating the draft methodology as appropriate, the Secretary shall enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering to obtain, not later than 120 days after the date of enactment of this Act—

(1) a review of the methodology; and

(2) recommendations for improving the methodology.

(d) FINAL METHODOLOGY.—After reviewing the recommendations under subsection (c), not later than 150 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a description of the final methodology for determining which minerals qualify as critical minerals.

(e) DESIGNATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of minerals designated as critical, pursuant to the final methodology under subsection (d), for purposes of carrying out this title.

(f) SUBSEQUENT REVIEW.—The methodology and designations developed under subsections (d) and (e) shall be updated at least every 5 years, or in more regular intervals if considered appropriate by the Secretary.

(g) NOTICE.—On finalization of the methodology under subsection (d), the list under subsection (e), or any update to the list under subsection (f), the Secretary shall submit to the applicable committees written notice of the action.

SEC. 2803. POLICY.

(a) POLICY.—It is the policy of the United States to promote an adequate, reliable, domestic, and stable supply of critical minerals, produced in an environmentally responsible manner, in order to strengthen and sustain the economic security, and the manufacturing, industrial, energy, technological, and competitive stature, of the United States.

(b) COORDINATION.—The President, acting through the Executive Office of the President, shall coordinate the actions of Federal agencies under this and other Acts—

(1) to encourage Federal agencies to facilitate the availability, development, and environmentally responsible production of domestic resources to meet national critical minerals needs;

(2) to minimize duplication, needless paperwork, and delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and to construct and operate critical mineral manufacturing facilities in an environmentally responsible manner;

(3) to promote the development of economically stable and environmentally responsible domestic critical mineral production and manufacturing;

(4) to establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other market dynamics relevant to policy formulation so that informed actions may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;

(5) to strengthen educational and research capabilities and workforce training;

(6) to bolster international cooperation through technology transfer, information sharing, and other means;

(7) to promote the efficient production, use, and recycling of critical minerals;

(8) to develop alternatives to critical minerals; and

(9) to establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.

SEC. 2804. RESOURCE ASSESSMENT.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary shall complete a comprehensive national assessment of each critical mineral that—

(1) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories;

(2) estimates the cost of production of the critical mineral resources identified and quantified under this section, using all available public and private information and datasets, including exploration histories;

(3) provides a quantitative and qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories;

(4) provides qualitative information on the environmental attributes of the critical mineral resources identified under this section; and

(5) pays particular attention to the identification and quantification of critical mineral resources on Federal land that is open to location and entry for exploration, development, and other uses.

(b) FIELD WORK.—If existing information and datasets prove insufficient to complete the assessment under this section and there is no reasonable opportunity to obtain the information and datasets from nongovernmental entities, the Secretary may carry out field work (including drilling, remote sensing, geophysical surveys, geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals on—

(1) Federal land that is open to location and entry for exploration, development, and other uses;

(2) tribal land, at the request and with the written permission of the Indian tribe with jurisdiction over the land; and

(3) State land, at the request and with the written permission of the Governor of the State.

(c) TECHNICAL ASSISTANCE.—At the request of the Governor of a State or an Indian tribe, the Secretary may provide technical assistance to State governments and Indian tribes conducting critical mineral resource assessments on non-Federal land.

(d) FINANCIAL ASSISTANCE.—The Secretary may make grants to State governments, or Indian tribes and economic development entities of Indian tribes, to cover the costs associated with assessments of critical mineral resources on State or tribal land, as applicable.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the applicable committees a report describing the results of the assessment conducted under this section.

(f) PRIORITIZATION.—

(1) IN GENERAL.—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical materials considered to be most critical under the methodology established pursuant to section 2802 are completed first.

(2) REPORTING.—If the Secretary sequences the completion of resource assessments for each critical material, the Secretary shall submit a report under subsection (e) on an iterative basis over the 4-year period beginning on the date of enactment of this Act.

(g) UPDATES.—The Secretary shall periodically update the assessment conducted under this section based on—

(1) the generation of new information or datasets by the Federal Government; or

(2) the receipt of new information or datasets from critical mineral producers, State geological surveys, academic institutions, trade associations, or other entities or individuals.

SEC. 2805. PERMITTING.

(a) CRITICAL MINERALS WORKING GROUP.—

(1) IN GENERAL.—There is established within the Department of the Interior a working group to be known as the ''Critical Minerals Working Group'', which shall report to the President and the applicable committees through the Secretary.

(2) COMPOSITION.—The Working Group shall be composed of the following:

(A) The Secretary of the Interior (or a designee), who shall serve as chair of the Working Group.

(B) A Presidential designee from the Executive Office of the President, who shall serve as vice-chair of the Working Group.

(C) The Secretary of Energy (or a designee).

(D) The Secretary of Agriculture (or a designee).

(E) The Secretary of Defense (or a designee).

(F) The Secretary of Commerce (or a designee).

(G) The Secretary of State (or a designee).

(H) The United States Trade Representative (or a designee).

(I) The Administrator of the Environmental Protection Agency (or a designee).

(J) The Chief of Engineers of the Corps of Engineers (or a designee).

(b) CONSULTATION.—The Working Group shall operate in consultation with private sector, academic, and other applicable stakeholders with experience related to—

(1) critical minerals exploration;

(2) critical minerals permitting;

(3) critical minerals production; and

(4) critical minerals manufacturing.

(c) DUTIES.—The Working Group shall—

(1) facilitate Federal agency efforts to optimize efficiencies associated with the permitting of activities that will increase exploration and development of domestic critical minerals, while maintaining environmental standards;

(2) facilitate Federal agency review of laws (including regulations) and policies that discourage investment in exploration and development of domestic critical minerals;

(3) assess whether Federal policies adversely impact the global competitiveness of the domestic critical minerals exploration and development sector (including taxes, fees, regulatory burdens, and access restrictions);

(4) evaluate the sufficiency of existing mechanisms for the provision of tenure on Federal land and the role of the mechanisms in attracting capital investment for the exploration and development of domestic critical minerals; and

(5) generate such other information and take such other actions as the Working Group considers appropriate to achieve the policy described in section 2803(a).

(d) REPORT.—Not later than 300 days after the date of enactment of this Act, the Working Group shall submit to the applicable committees a report that—

(1) describes the results of actions taken under subsection (c);

(2) evaluates the amount of time typically required (including the range derived from minimum and maximum durations, mean, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch of the Federal Government, such as judicial review, applicant decisions, or State and local government involvement) associated with the processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for the performance metric developed and finalized under subsections (e) and (f), respectively;

(3) identifies measures (including regulatory changes and legislative proposals) that would optimize efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals; and

(4) identifies options (including cost recovery paid by applicants) for ensuring adequate staffing of divisions, field offices, or other entities responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land.

(e) DRAFT PERFORMANCE METRIC.—Not later than 330 days after the date of enactment of this Act, and on completion of the report required under subsection (d), the Working Group shall publish in the Federal Register for public comment a draft description of a performance metric for evaluating the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals.

(f) FINAL PERFORMANCE METRIC.—Not later than 1 year after the date of enactment of this Act, and after consideration of any public comments received under subsection (e), the Working Group shall publish in the Federal Register a description of the final performance metric.

(g) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act and annually thereafter, using the final performance metric under subsection (f), the Working Group shall submit to the applicable committees, as part of the budget request of the Department of the Interior for each fiscal year, each report that—

(1) describes the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals; and

(2) compares the United States to other countries in terms of permitting efficiency, environmental standards, and other criteria relevant to a globally competitive economic sector.

(h) REPORT OF SMALL BUSINESS ADMINISTRATION.—Not later than 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees a report that assesses the performance of Federal agencies in—

(1) complying with chapter 6 of title 5, United States Code (commonly known as the ''Regulatory Flexibility Act''), in promulgating regulations applicable to the critical minerals industry; and

(2) performing an analysis of regulations applicable to the critical minerals industry that may be outmoded, inefficient, duplicative, or excessively burdensome.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section affects any judicial review of an agency action under any other provision of law.

(2) CONSTRUCTION.—This section—

(A) is intended to improve the internal management of the Federal Government; and

(B) does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States (including an agency, instrumentality, officer, or employee) or any other person.

SEC. 2806. RECYCLING AND ALTERNATIVES.

(a) ESTABLISHMENT.—The Secretary of Energy shall conduct a program of research and development to promote the efficient production, use, and recycling of, and alternatives to, critical minerals.

(b) COOPERATION.—In carrying out the program, the Secretary of Energy shall cooperate with appropriate—

(1) Federal agencies and National Laboratories;

(2) critical mineral producers;

(3) critical mineral manufacturers;

(4) trade associations;

(5) academic institutions;

(6) small businesses; and

(7) other relevant entities or individuals.

(c) ACTIVITIES.—Under the program, the Secretary of Energy shall carry out activities that include the identification and development of—

(1) advanced critical mineral production or processing technologies that decrease the environmental impact, and costs of production, of such activities;

(2) techniques and practices that minimize or lead to more efficient use of critical minerals;

(3) techniques and practices that facilitate the recycling of critical minerals, including options for improving the rates of collection of post-consumer products containing critical minerals;

(4) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts; and

(5) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act and every 5 years thereafter, the Secretaries shall submit to the applicable committees a report summarizing the activities, findings, and progress of the program.

SEC. 2807. ANALYSIS AND FORECASTING.

(a) CAPABILITIES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary, in consultation with academic institutions, the Energy Information Administration, and others in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(1) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral domestically produced during the preceding year;

(B) the quantity of each critical mineral domestically consumed during the preceding year;

(C) market price data for each critical mineral;

(D) an assessment of—

(i) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(ii) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(iii) the implications of any supply shortages, restrictions, or disruptions during the preceding year;

(E) the quantity of each critical mineral domestically recycled during the preceding year;

(F) the market penetration during the preceding year of alternatives to each critical mineral;

(G) a discussion of applicable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other data, analyses, and evaluations as the Secretary finds are necessary to achieve the purposes of this section; and

(2) a comprehensive forecast, entitled the ''Annual Critical Minerals Outlook'', of projected critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods;

(B) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods;

(C) market price projections for each critical mineral, to the maximum extent practicable and based on the best available information;

(D) an assessment of—

(i) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States;

(ii) the projected reliance of the United States on foreign sources to meet those needs; and

(iii) the projected implications of potential supply shortages, restrictions, or disruptions;

(E) the quantity of each critical mineral projected to be domestically recycled over

the subsequent 1-year, 5-year, and 10-year periods;

(F) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(G) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this section.

(b) PROPRIETARY INFORMATION.—In preparing a report described in subsection (a), the Secretary shall ensure that—

(1) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person who supplied the information is not discernible and is not material to the intended uses of the information;

(2) no person discloses any information or data collected for the report unless the information or data has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information; and

(3) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

SEC. 2808. EDUCATION AND WORKFORCE.

(a) WORKFORCE ASSESSMENT.—Not later than 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary of the Interior, the Director of the National Science Foundation, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(1) skills that are in the shortest supply as of the date of the assessment;

(2) skills that are projected to be in short supply in the future;

(3) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(4) the effectiveness of training and education programs in addressing skills shortages;

(5) opportunities to hire locally for new and existing critical mineral activities;

(6) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policy described in section 2803(a); and

(7) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(b) CURRICULUM STUDY.—

(1) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(A) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, and manufacturing;

(B) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, and manufacturing;

(C) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, development, and manufacturing; and

(D) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the grant program described in subsection (c).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under paragraph (1).

(c) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary and the National Science Foundation shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(A) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with subsection (b);

(B) internships, scholarships, and fellowships for students enrolled in critical mineral programs; and

(C) equipment necessary for integrated critical mineral innovation, training, and workforce development programs.

(2) RENEWAL.—A grant under this subsection shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under subsection (b)(1)(D).

SEC. 2809. INTERNATIONAL COOPERATION.

(a) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary, shall carry out a program to promote international cooperation on critical mineral supply chain issues with allies of the United States.

(b) ACTIVITIES.—Under the program, the Secretary of State may work with allies of the United States—

(1) to increase the global, responsible production of critical minerals, if a determination is made by the Secretary of State that there is no viable production capacity for the critical minerals within the United States;

(2) to improve the efficiency and environmental performance of extraction techniques;

(3) to increase the recycling of, and deployment of alternatives to, critical minerals;

(4) to assist in the development and transfer of critical mineral extraction, processing, and manufacturing technologies that would have a beneficial impact on world commodity markets and the environment;

(5) to strengthen and maintain intellectual property protections; and

(6) to facilitate the collection of information necessary for analyses and forecasts conducted pursuant to section 2807.

SEC. 2810. REPEAL, AUTHORIZATION, AND OFFSET.

(a) REPEAL.—

(1) IN GENERAL.—The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking '', with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.),''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title and the amendments made by this title $30,000,000.

(c) AUTHORIZATION OFFSET.—Section 207(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17022(c)) is amended by inserting before the period at the end the following: '', except that the amount authorized to be appropriated to carry out this section not appropriated as of the date of enactment of the Domestic Energy and Jobs Act shall be reduced by $30,000,000''.

TITLE IX—MISCELLANEOUS

SEC. 2901. LIMITATION ON TRANSFER OF FUNCTIONS UNDER THE SOLID MINERALS LEASING PROGRAM.

The Secretary of the Interior may not transfer to the Office of Surface Mining Reclamation and Enforcement any responsibility or authority to perform any function performed on the day before the date of enactment of this Act under the solid minerals leasing program of the Department of the Interior, including—

(1) any function under—

(A) sections 2318 through 2352 of the Revised Statutes (commonly known as the ''Mining Law of 1872'') (30 U.S.C. 21 et seq.);

(B) the Act of July 31, 1947 (commonly known as the ''Materials Act of 1947'') (30 U.S.C. 601 et seq.);

(C) the Mineral Leasing Act (30 U.S.C. 181 et seq.); or

(D) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.);

(2) any function relating to management of mineral development on Federal land and acquired land under section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732); and

(3) any function performed under the mining law administration program of the Bureau of Land Management.

SEC. 2902. AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended by striking ''2055'' and inserting ''2025, and shall not exceed $750,000,000 for each of fiscal years 2026 through 2055''.

SEC. 2903. LEASE SALE 220 AND OTHER LEASE SALES OFF THE COAST OF VIRGINIA.

(a) INCLUSION IN LEASING PROGRAMS.—The Secretary of the Interior shall—

(1) as soon as practicable after, but not later than 10 days after, the date of enactment of this Act, revise the proposed outer Continental Shelf oil and gas leasing program for the 2012–2017 period to include in the program Lease Sale 220 off the coast of Virginia; and

(2) include the outer Continental Shelf off the coast of Virginia in the leasing program for each 5-year period after the 2012–2017 period.

(b) CONDUCT OF LEASE SALE.—As soon as practicable, but not later than 1 year, after the date of enactment of this Act, the Secretary of the Interior shall carry out under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) Lease Sale 220.

(c) BALANCING MILITARY AND ENERGY PRODUCTION GOALS.—

(1) JOINT GOALS.—In recognition that the outer Continental Shelf oil and gas leasing program and the domestic energy resources produced under that program are integral to national security, the Secretary of the Interior and the Secretary of Defense shall work jointly in implementing this section—

(A) to preserve the ability of the Armed Forces to maintain an optimum state of readiness through their continued use of energy resources of the outer Continental Shelf; and

(B) to allow effective exploration, development, and production of the oil, gas, and renewable energy resources of the United States.

(2) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with—

(A) the agreement entitled ''Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf'' signed July 20, 1983; and

(B) any revision to, or replacement of, the agreement described in subparagraph (A) that is agreed to by the Secretary of Defense and the Secretary of the Interior after July 20, 1983, but before the date of issuance of the lease under which the exploration, development, or production is conducted.

(3) NATIONAL DEFENSE AREAS.—The United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the outer Continental Shelf under section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

SEC. 2904. LIMITATION ON AUTHORITY TO ISSUE REGULATIONS MODIFYING THE STREAM ZONE BUFFER RULE.

The Secretary of the Interior may not, before December 31, 2013, issue a regulation modifying the final rule entitled ''Excess Spoil, Coal Mine Waste, and Buffers for Perennial and Intermittent Streams'' (73 Fed. Reg. 75814 (December 12, 2008)).

SA 2976. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION __—AMERICAN ENERGY RENAISSANCE

SEC. 2001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''American Energy Renaissance Act of 2014''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

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Sec. 2101. Finding.
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Sec. 4073. Timely filing.
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Sec. 4075. Limitation on injunction and prospective relief.
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TITLE I—EXPANDING AMERICAN ENERGY EXPORTS

SEC. 2101. FINDING.

Congress finds that opening up energy exports will contribute to economic development, private sector job growth, and continued growth in American energy production.

SEC. 2102. NATURAL GAS EXPORTS.

(a) FINDING.—Congress finds that expanding natural gas exports will lead to increased investment and development of domestic supplies of natural gas that will contribute to job growth and economic development.

(b) NATURAL GAS EXPORTS.—Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended—

(1) by inserting ''or any other nation not excluded by this section'' after ''trade in natural gas'';

(2) by striking ''(c) For purposes'' and inserting the following:

''(c) EXPEDITED APPLICATION AND APPROVAL PROCESS.—

''(1) IN GENERAL.—For purposes''; and

(3) by adding at the end the following:

''(2) EXCLUSIONS.—

''(A) IN GENERAL.—Any nation subject to sanctions or trade restrictions imposed by the United States is excluded from expedited approval under paragraph (1).

''(B) DESIGNATION BY PRESIDENT OR CONGRESS.—The President or Congress may designate nations that may be excluded from expedited approval under paragraph (1) for reasons of national security.

''(3) ORDER NOT REQUIRED.—No order is required under subsection (a) to authorize the export or import of any natural gas to or from Canada or Mexico.''.

SEC. 2103. CRUDE OIL EXPORTS.

(a) FINDINGS.—Congress finds that—

(1) the restrictions on crude oil exports from the 1970s are no longer necessary due to the technological advances that have increased the domestic supply of crude oil; and

(2) repealing restrictions on crude oil exports will contribute to job growth and economic development.

(b) REPEAL OF PRESIDENTIAL AUTHORITY TO RESTRICT OIL EXPORTS.—

(1) IN GENERAL.—Section 103 of the Energy Policy and Conservation Act (42 U.S.C. 6212) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 12 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719j) is amended—

(i) by striking ''and section 103 of the Energy Policy and Conservation Act''; and

(ii) by striking ''such Acts'' and inserting ''that Act''.

(B) The Energy Policy and Conservation Act is amended—

(i) in section 251 (42 U.S.C. 6271)—

(I) by striking subsection (d); and

(II) by redesignating subsection (e) as subsection (d); and

(ii) in section 523(a)(1) (42 U.S.C. 6393(a)(1)), by striking ''(other than section 103 thereof)''.

(c) REPEAL OF LIMITATIONS ON EXPORTS OF OIL.—

(1) IN GENERAL.—Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended—

(A) by striking subsection (u); and

(B) by redesignating subsections (v) through (y) as subsection (u) through (x), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 1107(c) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3167(c)) is amended by striking ''(u) through (y)'' and inserting ''(u) through (x)''.

(B) Section 23 of the Deep Water Port Act of 1974 (33 U.S.C. 1522) is repealed.

(C) Section 203(c) of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652(c)) is amended in the first sentence by striking ''(w)(2), and (x))'' and inserting ''(v)(2), and (w))''.

(D) Section 509(c) of the Public Utility Regulatory Policies Act of 1978 (43 U.S.C. 2009(c)) is amended by striking ''subsection (w)(2)'' and inserting ''subsection (v)(2)''.

(d) REPEAL OF LIMITATIONS ON EXPORT OF OCS OIL OR GAS.—Section 28 of the Outer Continental Shelf Lands Act (43 U.S.C. 1354) is repealed.

(e) TERMINATION OF LIMITATION ON EXPORTATION OF CRUDE OIL.—Section 7(d) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) shall have no force or effect.

(f) CLARIFICATION OF CRUDE OIL REGULATION.—

(1) IN GENERAL.—Section 754.2 of title 15, Code of Federal Regulations (relating to crude oil) shall have no force or effect.

(2) CRUDE OIL LICENSE REQUIREMENTS.—The Bureau of Industry and Security of the Department of Commerce shall grant licenses to export to a country crude oil (as the term is defined in subsection (a) of the regulation referred to in paragraph (1)) (as in effect on the date that is 1 day before the date of enactment of this Act) unless—

(A) the country is subject to sanctions or trade restrictions imposed by the United States; or

(B) the President or Congress has designated the country as subject to exclusion for reasons of national security.

SEC. 2104. COAL EXPORTS.

(a) FINDINGS.—Congress finds that—

(1) increased international demand for coal is an opportunity to support jobs and promote economic growth in the United States; and

(2) exports of coal should not be unreasonably restricted or delayed.

(b) NEPA REVIEW FOR COAL EXPORTS.—In completing an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for an approval or permit for coal export terminals, or transportation of coal to coal export terminals, the Secretary of the Army, acting through the Chief of Engineers—

(1) may only take into account domestic environmental impacts; and

(2) may not take into account any impacts resulting from the final use overseas of the exported coal.

TITLE II—IMPROVING NORTH AMERICAN ENERGY INFRASTRUCTURE

Subtitle A—North American Energy Infrastructure

SEC. 2201. FINDING.

Congress finds that the United States should establish a more efficient, transparent, and modern process for the construction, connection, operation, and maintenance of oil and natural gas pipelines and electric transmission facilities for the import and export of oil, natural gas, and electricity to and from Canada and Mexico, in pursuit of a more secure and efficient North American energy market.

SEC. 2202. DEFINITIONS.

In this title:

(1) ELECTRIC RELIABILITY ORGANIZATION.—The term ''Electric Reliability Organization'' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) INDEPENDENT SYSTEM OPERATOR.—The term ''Independent System Operator'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(3) NATURAL GAS.—The term ''natural gas'' has the meaning given the term in section 2 of the Natural Gas Act (15 U.S.C. 717a).

(4) OIL.—The term ''oil'' means petroleum or a petroleum product.

(5) REGIONAL ENTITY.—The term ''regional entity'' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(6) REGIONAL TRANSMISSION ORGANIZATION.—The term ''Regional Transmission Organization'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 2203. AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT THE NATIONAL BOUNDARY OF THE UNITED STATES.

(a) AUTHORIZATION.—Except as provided in subsections (d) and (e), no person may construct, connect, operate, or maintain an oil or natural gas pipeline or electric transmission facility at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from Canada or Mexico without obtaining approval of the construction, connection, operation, or maintenance under this section.

(b) APPROVAL.—

(1) REQUIREMENT.—Not later than 120 days after receiving a request for approval of construction, connection, operation, or maintenance under this section, the relevant official identified under paragraph (2), in consultation with appropriate Federal agencies, shall approve the request unless the relevant official finds that the construction, connection, operation, or maintenance harms the national security interests of the United States.

(2) RELEVANT OFFICIAL.—The relevant official referred to in paragraph (1) is—

(A) the Secretary of Commerce with respect to oil pipelines;

(B) the Federal Energy Regulatory Commission with respect to natural gas pipelines; and

(C) the Secretary of Energy with respect to electric transmission facilities.

(3) APPROVAL NOT MAJOR FEDERAL ACTION.—An approval of construction, connection, operation, or maintenance under paragraph (1) shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—In the case of a request for approval of the construction, connection, operation, or maintenance of an electric transmission facility, the Secretary of Energy shall require, as a condition of approval of the request under paragraph (1), that the electric transmission facility be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(A) the Electric Reliability Organization and the applicable regional entity; and

(B) any Regional Transmission Organization or Independent System Operator with operational or functional control over the electric transmission facility.

(c) NO OTHER APPROVAL REQUIRED.—No Presidential permit (or similar permit) required under Executive Order 13337 (3 U.S.C. 301 note; 69 Fed. Reg. 25299 (April 30, 2004)), Executive Order 11423 (3 U.S.C. 301 note; 33 Fed. Reg. 11741 (August 16, 1968)), section 301 of title 3, United States Code, Executive Order 12038 (43 Fed. Reg. 3674 (January 26, 1978)), Executive Order 10485 (18 Fed. Reg. 5397 (September 9, 1953)), or any other Executive order shall be necessary for construction, connection, operation, or maintenance to which this section applies.

(d) EXCLUSIONS.—This section shall not apply to—

(1) any construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from Canada or Mexico if—

(A) the pipeline or facility is operating at the national boundary for that import or export as of the date of enactment of this Act;

(B) a permit described in subsection (c) for the construction, connection, operation, or maintenance has been issued;

(C) approval of the construction, connection, operation, or maintenance has previously been obtained under this section; or

(D) an application for a permit described in subsection (c) for the construction, connection, operation, or maintenance is pending on the date of enactment of this Act, until the earlier of—

(i) the date on which the application is denied; and

(ii) July 1, 2015; or

(2) the construction, connection, operation, or maintenance of the Keystone XL pipeline.

(e) MODIFICATIONS TO EXISTING PROJECTS.—No approval under this section, or permit described in subsection (c), shall be required

for modifications to construction, connection, operation, or maintenance described in subparagraphs (A), (B), or (C) of subsection (d)(1), including reversal of flow direction, change in ownership, volume expansion, downstream or upstream interconnection, or adjustments to maintain flow (such as a reduction or increase in the number of pump or compressor stations).

(f) EFFECT OF OTHER LAWS.—Nothing in this section affects the application of any other Federal law to a project for which approval of construction, connection, operation, or maintenance is sought under this section.

SEC. 2204. TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.

(a) REPEAL OF REQUIREMENT TO SECURE ORDER.—Section 202 of the Federal Power Act (16 U.S.C. 824a) is amended by striking subsection (e).

(b) CONFORMING AMENDMENTS.—

(1) STATE REGULATIONS.—Section 202 of the Federal Power Act (16 U.S.C. 824a) is amended—

(A) by redesignating subsections (f) and (g) as subsection (e) and (f), respectively; and

(B) in subsection (e) (as so redesignated), by striking ''insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202(e)''.

(2) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–4(b)) is amended by striking ''the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act'' and all that follows through the period at the end and inserting ''the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.''.

SEC. 2205. EFFECTIVE DATE; RULEMAKING DEADLINES.

(a) EFFECTIVE DATE.—Sections 2203 and 2204, and the amendments made by those sections, shall take effect on July 1, 2015.

(b) RULEMAKING DEADLINES.—Each relevant official described in section 2203(b)(2) shall—

(1) not later than 180 days after the date of enactment of this Act, publish in the Federal Register notice of a proposed rulemaking to carry out the applicable requirements of section 2203; and

(2) not later than 1 year after the date of enactment of this Act, publish in the Federal Register a final rule to carry out the applicable requirements of section 2203.

Subtitle B—Keystone XL Permit Approval

SEC. 2211. FINDINGS.

Congress finds that—

(1) building the Keystone XL pipeline will provide jobs and economic growth to the United States; and

(2) the Keystone XL pipeline should be approved immediately.

SEC. 2212. KEYSTONE XL PERMIT APPROVAL.

(a) IN GENERAL.—Notwithstanding Executive Order 13337 (3 U.S.C. 301 note ; 69 Fed. Reg. 25299 (April 30, 2004)), Executive Order 11423 (3 U.S.C. 301 note; 33 Fed. Reg. 11741 (August 16, 1968)), section 301 of title 3, United States Code, and any other Executive order or provision of law, no presidential permit shall be required for the pipeline described in the application filed on May 4, 2012, by TransCanada Corporation to the Department of State for the northern portion of the Keystone XL pipeline from the Canadian border to the border between the States of South Dakota and Nebraska.

(b) ENVIRONMENTAL IMPACT STATEMENT.—The final environmental impact statement issued by the Secretary of State on January 31, 2014, regarding the pipeline referred to in subsection (a), shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) CRITICAL HABITAT.—No area necessary to construct or maintain the Keystone XL pipeline shall be considered critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other provision of law.

(d) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the pipeline and cross-border facilities described in subsection (a), and the related facilities in the United States, shall remain in effect.

(e) FEDERAL JUDICIAL REVIEW.—The pipeline and cross-border facilities described in subsection (a), and the related facilities in the United States, that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

TITLE III—OUTER CONTINENTAL SHELF LEASING

SEC. 3001. FINDING.

Congress finds that the United States has enormous potential for offshore energy development and that the people of the United States should have access to the jobs and economic benefits from developing those resources.

SEC. 3002. EXTENSION OF LEASING PROGRAM.

(a) IN GENERAL.—Subject to subsection (c), the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this title as the ''Secretary'') under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of fiscal years 2014 through 2019.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) EXCEPTIONS.—Lease Sales 214, 232, and 239 shall not be included in the final oil and gas leasing program for the period of fiscal years 2014 through 2019.

SEC. 3003. LEASE SALES.

(a) IN GENERAL.—Except as otherwise provided in this section, not later than 180 days after the date of enactment of this Act and every 270 days thereafter, the Secretary shall conduct a lease sale in each outer Continental Shelf planning area for which the Secretary determines that there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf.

(b) SUBSEQUENT DETERMINATIONS AND SALES.—If the Secretary determines that there is not a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in a planning area under this section, not later than 2 years after the date of the determination and every 2 years thereafter, the Secretary shall—

(1) make an additional determination on whether there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in the planning area; and

(2) if the Secretary determines that there is a commercial interest under paragraph (1), conduct a lease sale in the planning area.

(c) PROTECTION OF STATE INTEREST.—In developing future leasing programs, the Secretary shall give deference to affected coastal States (as the term is used in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.)) in determining leasing areas to be included in the leasing program.

(d) PETITIONS.—If a person petitions the Secretary to conduct a lease sale for an outer Continental Shelf planning area in which the person has a commercial interest, the Secretary shall conduct a lease sale for the area in accordance with subsection (a).

SEC. 3004. APPLICATIONS FOR PERMITS TO DRILL.

Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following:

''(k) APPLICATIONS FOR PERMITS TO DRILL.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall approve or disapprove an application for a permit to drill submitted under this Act not later than 20 days after the date on which the application is submitted to the Secretary.

''(2) DISAPPROVAL.—If the Secretary disapproves an application for a permit to drill under paragraph (1), the Secretary shall—

''(A) provide to the applicant a description of the reasons for the disapproval of the application;

''(B) allow the applicant to resubmit an application during the 10-day period beginning on the date of the receipt of the description described in subparagraph (A) by the applicant; and

''(C) approve or disapprove any resubmitted application not later than 10 days after the date on which the application is submitted to the Secretary.''.

SEC. 3005. LEASE SALES FOR CERTAIN AREAS.

(a) IN GENERAL.—As soon as practicable but not later than 1 year after the date of enactment of this Act, the Secretary shall conduct Lease Sale 220 for areas offshore of the State of Virginia.

(b) COMPLIANCE WITH OTHER LAWS.—For purposes of the lease sale described in subsection (a), the environmental impact statement prepared under section 3001 shall satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) ENERGY PROJECTS IN GULF OF MEXICO.—

(1) JURISDICTION.—The United States Court of Appeals for the Fifth Circuit shall have exclusive jurisdiction over challenges to offshore energy projects and permits to drill carried out in the Gulf of Mexico.

(2) FILING DEADLINE.—Any civil action to challenge a project or permit described in paragraph (1) shall be filed not later than 60 days after the date of approval of the project or the issuance of the permit.

TITLE IV—UTILIZING AMERICA'S ONSHORE RESOURCES

SEC. 4001. FINDINGS.

Congress finds that—

(1) current policy has failed to take full advantage of the natural resources on Federal land;

(2) the States should be given the option to lead energy development on all available Federal land in a State; and

(3) the Federal Government should not inhibit energy development on Federal land.

SEC. 4002. STATE OPTION FOR ENERGY DEVELOPMENT.

Notwithstanding any other provision of this title, a State may elect to control energy development and production on available Federal land in accordance with the terms and conditions of subtitle A and the

amendments made by subtitle A in lieu of being subject to the Federal system established under subtitle B and the amendments made by subtitle B.

Subtitle A—Energy Development by States

SEC. 4011. DEFINITIONS.

In this subtitle:

(1) AVAILABLE FEDERAL LAND.—The term ''available Federal land'' means any Federal land that, as of the date of enactment of this Act—

(A) is located within the boundaries of a State;

(B) is not held by the United States in trust for the benefit of a federally recognized Indian tribe;

(C) is not a unit of the National Park System;

(D) is not a unit of the National Wildlife Refuge System; and

(E) is not a congressionally designated wilderness area.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means—

(A) a State; and

(B) the District of Columbia.

SEC. 4012. STATE PROGRAMS.

(a) IN GENERAL.—A State—

(1) may establish a program covering the leasing and permitting processes, regulatory requirements, and any other provisions by which the State would exercise the rights of the State to develop all forms of energy resources on available Federal land in the State; and

(2) as a condition of certification under section 4013(b) shall submit a declaration to the Departments of the Interior, Agriculture, and Energy that a program under paragraph (1) has been established or amended.

(b) AMENDMENT OF PROGRAMS.—A State may amend a program developed and certified under this subtitle at any time.

(c) CERTIFICATION OF AMENDED PROGRAMS.—Any program amended under subsection (b) shall be certified under section 4013(b).

SEC. 4013. LEASING, PERMITTING, AND REGULATORY PROGRAMS.

(a) SATISFACTION OF FEDERAL REQUIREMENTS.—Each program certified under this section shall be considered to satisfy all applicable requirements of Federal law (including regulations), including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) FEDERAL CERTIFICATION AND TRANSFER OF DEVELOPMENT RIGHTS.—Upon submission of a declaration by a State under section 4012(a)(2)—

(1) the program under section 4012(a)(1) shall be certified; and

(2) the State shall receive all rights from the Federal Government to develop all forms of energy resources covered by the program.

(c) ISSUANCE OF PERMITS AND LEASES.—If a State elects to issue a permit or lease for the development of any form of energy resource on any available Federal land within the borders of the State in accordance with a program certified under subsection (b), the permit or lease shall be considered to meet all applicable requirements of Federal law (including regulations).

SEC. 4014. JUDICIAL REVIEW.

Activities carried out in accordance with this subtitle shall not be subject to Federal judicial review.

SEC. 4015. ADMINISTRATIVE PROCEDURE ACT.

Activities carried out in accordance with this subtitle shall not be subject to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

Subtitle B—Onshore Oil and Gas Permit Streamlining

PART I—OIL AND GAS LEASING CERTAINTY

SEC. 4021. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(1) by striking ''SEC. 17. (a) All lands'' and inserting the following:

''SEC. 17. LEASE OF OIL AND GAS LAND.

''(a) AUTHORITY OF SECRETARY.—

''(1) IN GENERAL.—All land''; and

(2) in subsection (a), by adding at the end the following:

''(2) MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.—

''(A) IN GENERAL.—In conducting lease sales under paragraph (1)—

''(i) there shall be a presumption that nominated land should be leased; and

''(ii) the Secretary of the Interior shall offer for sale all of the nominated acreage not previously made available for lease, unless the Secretary demonstrates by clear and convincing evidence that an individual lease should not be granted.

''(B) ADMINISTRATION.—Acreage offered for lease pursuant to this paragraph—

''(i) shall not be subject to protest; and

''(ii) shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942), except that the categorical exclusions shall not be subject to the test of extraordinary circumstances or any other similar regulation or policy guidance.

''(C) AVAILABILITY.—In administering this paragraph, the Secretary shall only consider leasing of Federal land that is available for leasing at the time the lease sale occurs.''.

SEC. 4022. LEASING CERTAINTY.

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) (as amended by section 4061) is amended by adding at the end the following:

''(3) LEASING CERTAINTY.—

''(A) IN GENERAL.—The Secretary of the Interior shall not withdraw any covered energy project (as defined in section 4051 of the American Energy Renaissance Act of 2014) issued under this Act without finding a violation of the terms of the lease by the lessee.

''(B) DELAY.—The Secretary shall not infringe on lease rights under leases issued under this Act by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights-of-way for activities under the lease.

''(C) AVAILABILITY FOR LEASE.—Not later than 18 months after an area is designated as open under the applicable land use plan, the Secretary shall make available nominated areas for lease using the criteria established under section 2.

''(D) LAST PAYMENT.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall issue all leases sold not later than 60 days after the last payment is made.

''(ii) CANCELLATION.—The Secretary shall not cancel or withdraw any lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.

''(E) PROTESTS.—

''(i) IN GENERAL.—Not later than the end of the 60-day period beginning on the date a lease sale is held under this Act, the Secretary shall adjudicate any lease protests filed following a lease sale.

''(ii) UNSETTLED PROTEST.—If, after the 60-day period described in clause (i) any protest is left unsettled—

''(I) the protest shall be considered automatically denied; and

''(II) the appeal rights of the protestor shall begin.

''(F) ADDITIONAL LEASE STIPULATIONS.—No additional lease stipulation may be added after the parcel is sold without consultation and agreement of the lessee, unless the Secretary considers the stipulation as an emergency action to conserve the resources of the United States.''.

SEC. 4023. LEASING CONSISTENCY.

A Federal land manager shall follow existing resource management plans and continue to actively lease in areas designated as open when resource management plans are being amended or revised, until such time as a new record of decision is signed.

SEC. 4024. REDUCE REDUNDANT POLICIES.

Bureau of Land Management Instruction Memorandum 2010–117 shall have no force or effect.

SEC. 4025. STREAMLINED CONGRESSIONAL NOTIFICATION.

Section 31(e) of the Mineral Leasing Act (30 U.S.C. 188(e)) is amended in the first sentence of the matter following paragraph (4) by striking ''at least thirty days in advance of the reinstatement'' and inserting ''in an annual report''.

PART II—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM

SEC. 4031. PERMIT TO DRILL APPLICATION TIMELINE.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by striking paragraph (2) and inserting the following:

''(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

''(A) IN GENERAL.—Not later than the end of the 30-day period beginning on the date an application for a permit to drill is received by the Secretary, the Secretary shall decide whether to issue the permit.

''(B) EXTENSION.—

''(i) IN GENERAL.—The Secretary may extend the period described in subparagraph (A) for up to 2 periods of 15 days each, if the Secretary has given written notice of the delay to the applicant.

''(ii) NOTICE.—The notice shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) include—

''(aa) the names and titles of the persons processing the application;

''(bb) the specific reasons for the delay; and

''(cc) a specific date a final decision on the application is expected.

''(C) NOTICE OF REASONS FOR DENIAL.—If the application is denied, the Secretary shall provide the applicant—

''(i) a written statement that provides clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiencies; and

''(ii) an opportunity to remedy any deficiencies.

''(D) APPLICATION DEEMED APPROVED.—

''(i) IN GENERAL.—Except as provided in clause (ii), if the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application is received by the Secretary, the application shall be considered approved.

''(ii) EXCEPTIONS.—Clause (i) shall not apply in cases in which existing reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are incomplete.

''(E) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill under this paragraph, the Secretary shall—

''(i) provide to the applicant a description of the reasons for the denial of the permit;

''(ii) allow the applicant to resubmit an application for a permit to drill during the 10-

day period beginning on the date the applicant receives the description of the denial from the Secretary; and

''(iii) issue or deny any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.

''(F) FEE.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall collect a single $6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under subparagraph (A).

''(ii) RESUBMITTED APPLICATION.—The fee required under clause (i) shall not apply to any resubmitted application.

''(iii) TREATMENT OF PERMIT PROCESSING FEE.—Subject to appropriation, of all fees collected under this paragraph for each fiscal year, 50 percent shall be—

''(I) transferred to the field office at which the fees are collected; and

''(II) used to process protests, leases, and permits under this Act.''.

SEC. 4032. ADMINISTRATIVE PROTEST DOCUMENTATION REFORM.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) (as amended by section 4031) is amended by adding at the end the following:

''(4) PROTEST FEE.—

''(A) IN GENERAL.—The Secretary shall collect a $5,000 documentation fee to accompany each administrative protest for a lease, right-of-way, or application for a permit to drill.

''(B) TREATMENT OF FEES.—Subject to appropriation, of all fees collected under this paragraph for each fiscal year, 50 percent shall—

''(i) remain in the field office at which the fees are collected; and

''(ii) be used to process protests.''.

SEC. 4033. IMPROVED FEDERAL ENERGY PERMIT COORDINATION.

(a) DEFINITIONS.—In this section:

(1) ENERGY PROJECT.—The term ''energy project'' includes any oil, natural gas, coal, or other energy project, as defined by the Secretary.

(2) PROJECT.—The term ''Project'' means the Federal Permit Streamlining Project established under subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) ESTABLISHMENT.—The Secretary shall establish a Federal Permit Streamlining Project in each Bureau of Land Management field office with responsibility for permitting energy projects on Federal land.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of carrying out this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Chief of Engineers.

(2) STATE PARTICIPATION.—The Secretary may request that the Governor of any State with energy projects on Federal land to be a signatory to the memorandum of understanding.

(d) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (c), each Federal signatory party shall, if appropriate, assign to each Bureau of Land Management field office an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the home agency of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal land.

(e) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office described in subsection (b) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field office, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(f) FUNDING.—Funding for the additional personnel shall come from the Department of the Interior reforms under paragraph (2) of section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) (as amended by section 4031 and section 4032).

(g) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency any employee of which is participating in the Project.

SEC. 4034. ADMINISTRATION.

Notwithstanding any other provision of law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

PART III—OIL SHALE

SEC. 4041. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISION.

(a) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including regulations), the final regulations regarding oil shale management published by the Bureau of Land Management on November 18, 2008 (73 Fed. Reg. 69414) shall be considered to satisfy all legal and procedural requirements under any law, including—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) IMPLEMENTATION.—The Secretary of the Interior shall implement the regulations described in paragraph (1) (including the oil shale leasing program authorized by the regulations) without any other administrative action necessary.

(b) AMENDMENTS TO RESOURCE MANAGEMENT PLANS AND RECORD OF DECISION.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including regulations) to the contrary, the Approved Resource Management Plan Amendments/Record of Decision for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and the Final Programmatic Environmental Impact Statement of the Bureau of Land Management, as in effect on November 17, 2008, shall be considered to satisfy all legal and procedural requirements under any law, including—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) IMPLEMENTATION.—The Secretary of the Interior shall implement the oil shale leasing program authorized by the regulations described in paragraph (1) in those areas covered by the resource management plans covered by the amendments, and covered by the record of decision, described in paragraph (1) without any other administrative action necessary.

SEC. 4042. OIL SHALE LEASING.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall hold a lease sale offering an additional 10 parcels for lease for research, development, and demonstration of oil shale resources, under the terms offered in the solicitation of bids for such leases published on January 15, 2009 (74 Fed. Reg. 2611).

(b) COMMERCIAL LEASE SALES.—

(1) IN GENERAL.—Not later than January 1, 2016, the Secretary of the Interior shall hold not less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale development, as determined by the Secretary, in areas nominated through public comment.

(2) ADMINISTRATION.—Each lease sale shall be—

(A) for an area of not less than 25,000 acres; ;and

(B) in multiple lease blocs.

PART IV—NATIONAL PETROLEUM RESERVE IN ALASKA ACCESS

SEC. 4051. SENSE OF CONGRESS AND REAFFIRMING NATIONAL POLICY FOR THE NATIONAL PETROLEUM RESERVE IN ALASKA.

It is the sense of Congress that—

(1) the National Petroleum Reserve in Alaska remains explicitly designated, both in name and legal status, for purposes of providing oil and natural gas resources to the United States; and

(2) accordingly, the national policy is to actively advance oil and gas development within the Reserve by facilitating the expeditious exploration, production, and transportation of oil and natural gas from and through the Reserve.

SEC. 4052. NATIONAL PETROLEUM RESERVE IN ALASKA: LEASE SALES.

Section 107 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a) is amended by striking subsection (a) and inserting the following

''(a) IN GENERAL.—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the Reserve—

''(1) in accordance with this Act; and

''(2) that shall include at least 1 lease sale annually in the areas of the Reserve most likely to produce commercial quantities of oil and natural gas for each of calendar years 2014 through 2023.''.

SEC. 4053. NATIONAL PETROLEUM RESERVE IN ALASKA: PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall facilitate and ensure permits, in a timely and environmentally responsible manner, for all surface development activities, including for the construction of pipelines and roads, necessary—

(1) to develop and bring into production any areas within the National Petroleum Reserve in Alaska that are subject to oil and gas leases; and

(2) to transport oil and gas from and through the National Petroleum Reserve in Alaska in the most direct manner possible to existing transportation or processing infrastructure on the North Slope of Alaska.

(b) TIMELINE.—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timeline:

(1) Permits for the construction described in subsection (a) for transportation of oil and natural gas produced under existing Federal oil and gas leases with respect to which the Secretary has issued a permit to drill shall be approved not later than 60 days after the date of enactment of this Act.

(2) Permits for the construction described in subsection (a) for transportation of oil and natural gas produced under Federal oil and gas leases shall be approved not later than 180 days after the date on which a request for a permit to drill is submitted to the Secretary.

(c) PLAN.—To ensure timely future development of the National Petroleum Reserve in Alaska, not later than 270 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a plan for approved rights-of-way for a plan for pipeline, road, and any other surface infrastructure that may be necessary infrastructure that will ensure that all leasable tracts in the Reserve are within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.

SEC. 4054. ISSUANCE OF A NEW INTEGRATED ACTIVITY PLAN AND ENVIRONMENTAL IMPACT STATEMENT.

(a) ISSUANCE OF NEW INTEGRATED ACTIVITY PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall issue—

(1) a new proposed integrated activity plan from among the nonadopted alternatives in the National Petroleum Reserve Alaska Integrated Activity Plan Record of Decision issued by the Secretary of the Interior and dated February 21, 2013; and

(2) an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for issuance of oil and gas leases in the National Petroleum Reserve-Alaska to promote efficient and maximum development of oil and natural gas resources of the Reserve.

(b) NULLIFICATION OF EXISTING RECORD OF DECISION, IAP, AND EIS.—Except as provided in subsection (a), the National Petroleum Reserve-Alaska Integrated Activity Plan Record of Decision issued by the Secretary of the Interior and dated February 21, 2013, including the integrated activity plan and environmental impact statement referred to in that record of decision, shall have no force or effect.

SEC. 4055. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.

The Secretary of the Interior shall promulgate regulations not later than 180 days after the date of enactment of this Act that establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the National Petroleum Reserve-Alaska.

SEC. 4056. DEADLINES UNDER NEW PROPOSED INTEGRATED ACTIVITY PLAN.

At a minimum, the new proposed integrated activity plan issued under section 4054(a)(1) shall—

(1) require the Department of the Interior to respond within 5 business days to a person who submits an application for a permit for development of oil and natural gas leases in the National Petroleum Reserve-Alaska acknowledging receipt of the application; and

(2) establish a timeline for the processing of each application that—

(A) specifies deadlines for decisions and actions on permit applications; and

(B) provides that the period for issuing a permit after the date on which the application is submitted shall not exceed 60 days without the concurrence of the applicant.

SEC. 4057. UPDATED RESOURCE ASSESSMENT.

(a) IN GENERAL.—The Secretary of the Interior shall complete a comprehensive assessment of all technically recoverable fossil fuel resources within the National Petroleum Reserve in Alaska, including all conventional and unconventional oil and natural gas.

(b) COOPERATION AND CONSULTATION.—The assessment required by subsection (a) shall be carried out by the United States Geological Survey in cooperation and consultation with the State of Alaska and the American Association of Petroleum Geologists.

(c) TIMING.—The assessment required by subsection (a) shall be completed not later than 2 years after the date of enactment of this Act.

(d) FUNDING.—In carrying out this section, the United States Geological Survey may cooperatively use resources and funds provided by the State of Alaska.

PART V—MISCELLANEOUS PROVISIONS

SEC. 4061. SANCTIONS.

Nothing in this title authorizes the issuance of a lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.) to any person designated for the imposition of sanctions pursuant to—

(1) the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note; Public Law 108–175);

(2) the Comprehensive Iran Sanctions, Accountability, and Divestiture Act of 2010 (22 U.S.C. 8501 et seq.);

(3) section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a);

(4) the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.);

(5) the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8801 et seq.);

(6) the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note; Public Law 104–172);

(7) Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism);

(8) Executive Order 13338 (50 U.S.C. 1701 note; relating to blocking property of certain persons and prohibiting the export of certain goods to Syria);

(9) Executive Order 13622 (50 U.S.C. 1701 note; relating to authorizing additional sanctions with respect to Iran);

(10) Executive Order 13628 (50 U.S.C. 1701 note; relating to authorizing additional sanctions with respect to Iran); or

(11) Executive Order 13645 (50 U.S.C. 1701 note; relating to authorizing additional sanctions with respect to Iran).

SEC. 4062. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.

(a) AUTHORIZATION.—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

(1) in subparagraph (A), in the third sentence, by inserting ", except as provided in subparagraph (C)" after "by oral bidding"; and

(2) by adding at the end the following:

"(C) INTERNET-BASED BIDDING.—

"(i) IN GENERAL.—In order to diversify and expand the onshore leasing program of the United States to ensure the best return to the Federal taxpayer, reduce fraud, and secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods.

"(ii) CONCLUSION.—Each individual Internet-based lease sale shall conclude not later than 7 days after the date on which the sale begins.".

(b) REPORT.—Not later than 90 days after the date on which the tenth Internet-based lease sale conducted under the amendment made by subsection (a) concludes, the Secretary of the Interior shall analyze the first 10 Internet-based lease sales and report to Congress the findings of the analysis, including—

(1) estimates on increases or decreases in Internet-based lease sales, compared to sales conducted by oral bidding, in—

(A) the number of bidders;

(B) the average amount of bid;

(C) the highest amount bid; and

(D) the lowest bid;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of Internet-based lease sales, compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales which may provide an opportunity to better—

(A) maximize bidder participation;

(B) ensure the highest return to the Federal taxpayers;

(C) minimize opportunities for fraud or collusion; and

(D) ensure the security and integrity of the leasing process.

PART VI—JUDICIAL REVIEW

SEC. 4071. DEFINITIONS.

In this part:

(1) COVERED CIVIL ACTION.—The term "covered civil action" means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal land.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term "covered energy project" means—

(i) the leasing of Federal land for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy; and

(ii) any action under the lease.

(B) EXCLUSION.—The term "covered energy project" does not include any dispute between the parties to a lease regarding the obligations under the lease, including any alleged breach of the lease.

SEC. 4072. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.

Venue for any covered civil action shall lie in the United States district court in which the covered energy project or lease exists or is proposed.

SEC. 4073. TIMELY FILING.

To ensure timely redress by the courts, a covered civil action shall be filed not later than the end of the 90-day period beginning

on the date of the final Federal agency action to which the covered civil action relates.

SEC. 4074. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

SEC. 4075. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.

(a) IN GENERAL.—In a covered civil action, a court shall not grant or approve any prospective relief unless the court finds that the relief—

(1) is narrowly drawn;

(2) extends no further than necessary to correct the violation of a legal requirement; and

(3) is the least intrusive means necessary to correct the violation.

(b) DURATION.—

(1) IN GENERAL.—A court shall limit the duration of preliminary injunctions to halt covered energy projects to not more than 60 days, unless the court finds clear reasons to extend the injunction.

(2) ADMINISTRATION.—In the case of an extension, the extension shall—

(A) only be in 30-day increments; and

(B) require action by the court to renew the injunction.

SEC. 4076. LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.

(a) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the ''Equal Access to Justice Act''), shall not apply to a covered civil action.

(b) COURT COSTS.—A party to a covered civil action shall not receive payment from the Federal Government for the attorneys' fees, expenses, or other court costs incurred by the party.

SEC. 4077. LEGAL STANDING.

A challenger that files an appeal with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as a challenger before a United States district court.

TITLE V—ADDITIONAL ONSHORE RESOURCES

Subtitle A—Leasing Program for Land Within Coastal Plain

SEC. 5001. FINDING.

Congress finds that development of energy reserves under the Coastal Plain of Alaska, performed in an environmentally responsible manner, will contribute to job growth and economic development.

SEC. 5002. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means the area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) PEER REVIEWED.—The term ''peer reviewed'' means reviewed—

(A) by individuals chosen by the National Academy of Sciences with no contractual relationship with, or those who have no application for a grant or other funding pending with, the Federal agency with leasing jurisdiction; or

(B) if individuals described in subparagraph (A) are not available, by the top individuals in the specified biological fields, as determined by the National Academy of Sciences.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 5003. LEASING PROGRAM FOR LAND ON THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall—

(1) establish and implement, in accordance with this subtitle and acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service, a competitive oil and gas leasing program that will result in the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain do not result in any significant adverse effect on fish and wildlife, the habitat of fish and wildlife, subsistence resources, or the environment, including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL OF EXISTING RESTRICTION.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section on the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The document of the Department of the Interior entitled ''Final Legislative Environmental Impact Statement'' and dated April 1987 relating to the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to prelease activities under this subtitle, including actions authorized to be taken by the Secretary to develop and promulgate regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Prior to conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle not covered by paragraph (2).

(B) NONLEASING ALTERNATIVES NOT REQUIRED.—Notwithstanding any other provision of law, in preparing the environmental impact statement under subparagraph (A), the Secretary—

(i) shall—

(I) only identify a preferred action for leasing and a single leasing alternative; and

(II) analyze the environmental effects and potential mitigation measures for those 2 alternatives; and

(ii) is not required—

(I) to identify nonleasing alternative courses of action; or

(II) to analyze the environmental effects of nonleasing alternative courses of action.

(C) DEADLINE.—The identification under subparagraph (B)(i)(I) for the first lease sale conducted under this subtitle shall be completed not later than 18 months after the date of enactment of this Act.

(D) PUBLIC COMMENT.—The Secretary shall only consider public comments that—

(i) specifically address the preferred action of the Secretary; and

(ii) are filed not later than 20 days after the date on which the environmental analysis is published.

(E) COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits State or local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik and the North Slope Borough of the State of Alaska, may designate not more than 45,000 acres of the Coastal Plain as a ''Special Area'' if the Secretary determines that the area is of such unique character and interest so as to require special management and regulatory protection.

(2) SADLEROCHIT SPRING AREA.—The Secretary shall designate the Sadlerochit Spring area, consisting of approximately 4,000 acres, as a Special Area.

(3) MANAGEMENT.—Each Special Area shall be managed to protect and preserve the unique and diverse character of the area, including the fish, wildlife, and subsistence resource values of the area.

(4) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any Special Area from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases a Special Area, or any part of a Special Area, for oil and gas exploration, development, production, or related activities, there shall be no surface occupancy of the land comprising the Special Area.

(5) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases tracts located outside the Special Area.

(f) LIMITATION ON CLOSED AREAS.—The authority of the Secretary to close land on the Coastal Plain to oil and gas leasing, exploration, development, or production shall be limited to the authority provided under this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this subtitle, including regulations relating to protection of fish and wildlife, the habitat of fish and wildlife, subsistence resources, and environment of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary shall, through a rulemaking conducted in accordance with section 553 of title 5, United States Code, periodically review and, if appropriate, revise the regulations promulgated under paragraph (1) to reflect a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

SEC. 5004. LEASE SALES.

(a) IN GENERAL.—In accordance with the requirements of this subtitle, the Secretary

may lease land under this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation and not later than 180 days after the date of enactment of this Act, establish procedures for—

(1) receipt and consideration of sealed nominations for any area of the Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) the holding of lease sales after the nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Lease sales under this subtitle may be conducted through an Internet leasing program, if the Secretary determines that the Internet leasing program will result in savings to the taxpayer, an increase in the number of bidders participating, and higher returns than oral bidding or a sealed bidding system.

(d) SALE ACREAGES AND SCHEDULE.—The Secretary shall—

(1) offer for lease under this subtitle—

(A) those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received under subsection (b)(1); and

(B)(i) not fewer than 50,000 acres by not later than 22 months after the date of the enactment of this Act; and

(ii) not fewer than an additional 50,000 acres at 6-, 12-, and 18-month intervals following the initial offering under subclause (i);

(2) conduct 4 additional lease sales under the same terms and schedule as the last lease sale under paragraph (1)(B)(ii) not later than 2 years after the date of that sale, if sufficient interest in leasing exists to warrant, in the judgment of the Secretary, the conduct of the sales; and

(3) evaluate the bids in each lease sale under this subsection and issue leases resulting from the sales not later than 90 days after the date on which the sale is completed.

SEC. 5005. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted under section 5004 any land to be leased on the Coastal Plain upon payment by the bidder of any bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary after the Secretary consults with, and gives due consideration to the views of, the Attorney General.

SEC. 5006. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued under this subtitle shall—

(1) provide for the payment of a royalty of not less than 12.5 percent in amount or value of the production removed or sold under the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(3) require that the lessee of land on the Coastal Plain shall be fully responsible and liable for the reclamation of land on the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and on the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, as nearly as practicable, a condition capable of supporting the uses which the land was capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as certified by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, the habitat of fish and wildlife, subsistence resources, and the environment as required under section 5003(a)(2);

(7) provide that the lessee, agents of the lessee, and contractors of the lessee use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native corporations from throughout the State; and

(8) contain such other provisions as the Secretary determines necessary to ensure compliance with this subtitle and the regulations issued pursuant to this subtitle.

SEC. 5007. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 5003, administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain shall not result in any significant adverse effect on fish and wildlife, the habitat of fish and wildlife, or the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 10,000 acres on the Coastal Plain for each 100,000 acres of area leased.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—With respect to any proposed drilling and related activities, the Secretary shall require that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, the habitat of fish and wildlife, subsistence resources, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Prior to implementing the leasing program authorized by this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require compliance with all applicable provisions of Federal and State environmental law and compliance with the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the document of the Department of the Interior entitled ''Final Legislative Environmental Impact Statement'' and dated April 1987 relating to the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

(3) That exploration activities, except for surface geological studies—

(A) be limited to the period between approximately November 1 and May 1 each year; and

(B) be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that exploration activities may occur at other times if the Secretary finds that the exploration will have no significant adverse effect on the fish and wildlife, the habitat of fish and wildlife, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that minimize, to the maximum extent practicable, adverse effects on—

(A) the passage of migratory species such as caribou; and

(B) the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on general public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on the use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river systems, the protection of natural surface drainage patterns, wetlands, and riparian habitats, and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law (including regulations).

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions determined necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations; and

(3) the land use stipulations for exploratory drilling on the KIC–ASRC private land that are set forth in appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, the habitat of fish and wildlife, and the environment.

(D) Using existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain subject to section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 5008. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of—

(A) any provision of this subtitle shall be filed by not later than 1 year after the date of enactment of this Act; or

(B) any action of the Secretary under this subtitle shall be filed—

(i) except as provided in clause (ii), during the 90-day period beginning on the date on which the action is challenged; or

(ii) in the case of a complaint based solely on grounds arising after the period described in clause (i), not later than 90 days after the date on which the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—

(A) IN GENERAL.—Judicial review of a decision by the Secretary to conduct a lease sale under this subtitle, including an environmental analysis, shall be—

(i) limited to whether the Secretary has complied with this subtitle; and

(ii) based on the administrative record of that decision.

(B) PRESUMPTION.—The identification by the Secretary of a preferred course of action to enable leasing to proceed and the analysis by the Secretary of environmental effects under this subtitle is presumed to be correct unless shown otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(c) LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.—

(1) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the ''Equal Access to Justice Act''), shall not apply to any action under this subtitle.

(2) COURT COSTS.—A party to any action under this subtitle shall not receive payment from the Federal Government for the attorneys' fees, expenses, or other court costs incurred by the party.

SEC. 5009. TREATMENT OF REVENUES.

Notwithstanding any other provision of law, 90 percent of the amount of bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle shall be deposited in the Treasury.

SEC. 5010. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas produced under leases under this subtitle—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170, 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, the habitat of fish and wildlife, subsistence resources, or the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations promulgated under section 5003(g) provisions granting rights-of-way and easements described in subsection (a).

SEC. 5011. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on titles to land and clarifying land ownership patterns on the Coastal Plain, and notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), the Secretary shall convey—

(1) to the Kaktovik Inupiat Corporation, the surface estate of the land described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation dated January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which the Arctic Slope Regional Corporation is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

Subtitle B—Native American Energy

SEC. 5021. FINDINGS.

Congress finds that—

(1) the Federal Government has unreasonably interfered with the efforts of Indian tribes to develop energy resources on tribal land; and

(2) Indian tribes should have the opportunity to gain the benefits of the jobs, investment, and economic development to be gained from energy development.

SEC. 5022. APPRAISALS.

(a) AMENDMENT.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following:

''SEC. 2607. APPRAISAL REFORMS.

''(a) OPTIONS TO INDIAN TRIBES.—With respect to a transaction involving Indian land or the trust assets of an Indian tribe that requires the approval of the Secretary, any appraisal or other estimates of value relating to fair market value required to be conducted under applicable law, regulation, or policy may be completed by—

''(1) the Secretary;

''(2) the affected Indian tribe; or

''(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.

''(b) TIME LIMIT ON SECRETARIAL REVIEW AND ACTION.—Not later than 30 days after the date on which the Secretary receives an appraisal conducted by or for an Indian tribe pursuant to paragraphs (2) or (3) of subsection (a), the Secretary shall—

''(1) review the appraisal; and

''(2) provide to the Indian tribe a written notice of approval or disapproval of the appraisal.

''(c) FAILURE OF SECRETARY TO APPROVE OR DISAPPROVE.—If the Secretary has failed to approve or disapprove any appraisal by the date that is 60 days after the date on which

the appraisal is received, the appraisal shall be deemed approved.

''(d) OPTION OF INDIAN TRIBES TO WAIVE APPRAISAL.—An Indian tribe may waive the requirements of subsection (a) if the Indian tribe provides to the Secretary a written resolution, statement, or other unambiguous indication of tribal intent to waive the requirements that—

''(1) is duly approved by the governing body of the Indian tribe; and

''(2) includes an express waiver by the Indian tribe of any claims for damages the Indian tribe might have against the United States as a result of the waiver.

''(e) REGULATIONS.—The Secretary shall promulgate regulations to implement this section, including standards the Secretary shall use for approving or disapproving an appraisal under subsection (b).''.

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. 13201 note) is amended by adding at the end of the items relating to title XXVI the following:

''Sec. 2607. Appraisal reforms.''.

SEC. 5023. STANDARDIZATION.

As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall implement procedures to ensure that each agency within the Department of the Interior that is involved in the review, approval, and oversight of oil and gas activities on Indian land shall use a uniform system of reference numbers and tracking systems for oil and gas wells.

SEC. 5024. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL ACTIONS ON INDIAN LAND.

Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) is amended—

(1) in the matter preceding paragraph (1) by inserting ''(a) IN GENERAL.—'' before ''The Congress authorizes''; and

(2) by adding at the end the following:

''(b) REVIEW OF MAJOR FEDERAL ACTIONS ON INDIAN LAND.—

''(1) DEFINITIONS OF INDIAN LAND AND INDIAN TRIBE.—In this subsection, the terms 'Indian land' and 'Indian tribe' have the meaning given those terms in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

''(2) IN GENERAL.—For any major Federal action on Indian land of an Indian tribe requiring the preparation of a statement under subsection (a)(2)(C), the statement shall only be available for review and comment by—

''(A) the members of the Indian tribe; and

''(B) any other individual residing within the affected area.

''(3) REGULATIONS.—The Chairman of the Council on Environmental Quality, in consultation with Indian tribes, shall develop regulations to implement this section, including descriptions of affected areas for specific major Federal actions.''.

SEC. 5025. JUDICIAL REVIEW.

(a) DEFINITIONS.—In this section:

(1) AGENCY ACTION.—The term ''agency action'' has the meaning given the term in section 551 of title 5, United States Code.

(2) ENERGY RELATED ACTION.—The term ''energy-related action'' means a civil action that—

(A) is filed on or after the date of enactment of this Act; and

(B) seeks judicial review of a final agency action relating to the issuance of a permit, license, or other form of agency permission allowing—

(i) any person or entity to conduct on Indian Land activities involving the exploration, development, production, or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity; or

(ii) any Indian Tribe, or any organization of 2 or more entities, not less than 1 of which is an Indian tribe, to conduct activities involving the exploration, development, production, or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity, regardless of where such activities are undertaken.

(3) INDIAN LAND.—

(A) IN GENERAL.—The term ''Indian land'' has the meaning given the term in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

(B) INCLUSION.—The term ''Indian land'' includes land owned by a Native Corporation (as that term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) under that Act (43 U.S.C. 1601 et seq.).

(4) ULTIMATELY PREVAIL.—

(A) IN GENERAL.—The term ''ultimately prevail'' means, in a final enforceable judgment that the court rules in the party's favor on at least 1 civil claim that is an underlying rationale for the preliminary injunction, administrative stay, or other relief requested by the party.

(B) EXCLUSION.—The term ''ultimately prevail'' does not include circumstances in which the final agency action is modified or amended by the issuing agency unless the modification or amendment is required pursuant to a final enforceable judgment of the court or a court-ordered consent decree.

(b) TIME FOR FILING COMPLAINT.—

(1) IN GENERAL.—Any energy related action shall be filed not later than the end of the 60-day period beginning on the date of the action or decision by a Federal official that constitutes the covered energy project concerned.

(2) PROHIBITION.—Any energy related action that is not filed within the time period described in paragraph (1) shall be barred.

(c) DISTRICT COURT VENUE AND DEADLINE.—An energy related action—

(1) may only be brought in the United States District Court for the District of Columbia; and

(2) shall be resolved as expeditiously as possible, and in any event not more than 180 days after the energy related action is filed.

(d) APPELLATE REVIEW.—An interlocutory order or final judgment, decree or order of the district court in an energy related action—

(1) may be appealed to the United States Court of Appeals for the District of Columbia Circuit; and

(2) if the court described in paragraph (1) undertakes the review, the court shall resolve the review as expeditiously as possible, and in any event by not later than 180 days after the interlocutory order or final judgment, decree or order of the district court was issued.

(e) LIMITATION ON CERTAIN PAYMENTS.—Notwithstanding section 1304 of title 31, United States Code, no award may be made under section 504 of title 5, United States Code, or under section 2412 of title 28, United States Code, and no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay any fees or other expenses under such sections, to any person or party in an energy related action.

(f) LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.—

(1) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the ''Equal Access to Justice Act''), shall not apply to an energy related action.

(2) COURT COSTS.—A party to a covered civil action shall not receive payment from the Federal Government for the attorneys' fees, expenses, or other court costs incurred by the party.

SEC. 5026. TRIBAL RESOURCE MANAGEMENT PLANS.

Unless otherwise explicitly exempted by Federal law enacted after the date of enactment of this Act, any activity conducted or resources harvested or produced pursuant to a tribal resource management plan or an integrated resource management plan approved by the Secretary of the Interior under the National Indian Forest Resources Management Act (25 U.S.C. 3101 et seq.) or the American Indian Agricultural Resource Management Act (25 U.S.C. 3701 et seq.), shall be considered a sustainable management practice for purposes of any Federal standard, benefit, or requirement that requires a demonstration of such sustainability.

SEC. 5027. LEASES OF RESTRICTED LANDS FOR THE NAVAJO NATION.

Subsection (e)(1) of the first section of the Act of August 9, 1955 (25 U.S.C. 415) (commonly known as the ''Long-Term Leasing Act''), is amended—

(1) by striking '', except a lease for'' and inserting '', including leases for'';

(2) in subparagraph (A), by striking ''25 years, except'' and all that follows through ''; and'' and inserting ''99 years;'';

(3) in subparagraph (B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(C) in the case of a lease for the exploration, development, or extraction of mineral resources, including geothermal resources, 25 years, except that the lease may include an option to renew for 1 additional term not to exceed 25 years.''.

SEC. 5028. NONAPPLICABILITY OF CERTAIN RULES.

No rule promulgated by the Secretary of the Interior regarding hydraulic fracturing used in the development or production of oil or gas resources shall affect any land held in trust or restricted status for the benefit of Indians except with the express consent of the beneficiary on behalf of which the land is held in trust or restricted status.

Subtitle C—Additional Regulatory Provisions

PART I—STATE AUTHORITY OVER HYDRAULIC FRACTURING

SEC. 5031. FINDING.

Congress finds that given variations in geology, land use, and population, the States are best placed to regulate the process of hydraulic fracturing occurring on any land within the boundaries of the individual State.

SEC. 5032. STATE AUTHORITY.

(a) DEFINITION OF FEDERAL LAND.—In this section, the term ''Federal land'' means—

(1) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(2) National Forest System land;

(3) land under the jurisdiction of the Bureau of Reclamation; and

(4) land under the jurisdiction of the Corps of Engineers.

(b) STATE AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the treatment of a well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on or under any land within the boundaries of the State.

(2) FEDERAL LAND.—Notwithstanding any other provision of law, the treatment of a

well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on Federal land shall be subject to the law of the State in which the land is located.

PART II—MISCELLANEOUS PROVISIONS

SEC. 5041. ENVIRONMENTAL LEGAL FEES.

Section 504 of title 5, United States Code, is amended by adding at the end the following:

''(g) ENVIRONMENTAL LEGAL FEES.—Notwithstanding section 1304 of title 31, no award may be made under this section and no amounts may be obligated or expended from the Claims and Judgment Fund of the Treasury to pay any legal fees of a nongovernmental organization related to an action that (with respect to the United States)—

''(1) prevents, terminates, or reduces access to or the production of—

''(A) energy;

''(B) a mineral resource;

''(C) water by agricultural producers;

''(D) a resource by commercial or recreational fishermen; or

''(E) grazing or timber production on Federal land;

''(2) diminishes the private property value of a property owner; or

''(3) eliminates or prevents 1 or more jobs.''.

SEC. 5042. MASTER LEASING PLANS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Bureau of Land Management, shall not establish a master leasing plan as part of any guidance issued by the Secretary.

(b) EXISTING MASTER LEASING PLANS.—Instruction Memorandum No. 2010–117 and any other master leasing plan described in subsection (a) issued on or before the date of enactment of this Act shall have no force or effect.

TITLE VI—IMPROVING AMERICA'S DOMESTIC REFINING CAPACITY

Subtitle A—Refinery Permitting Reform

SEC. 6001. FINDING.

Congress finds that the domestic refining industry is an important source of jobs and economic growth and whose growth should not be limited by an excessively drawn out permitting and approval process.

SEC. 6002. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) EXPANSION.—The term ''expansion'' means a physical change that results in an increase in the capacity of a refinery.

(3) 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).

(4) PERMIT.—The term ''permit'' means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

(5) REFINER.—The term ''refiner'' means a person that—

(A) owns or operates a refinery; or

(B) seeks to become an owner or operator of a refinery.

(6) REFINERY.—

(A) IN GENERAL.—The term ''refinery'' means—

(i) a facility at which crude oil is refined into transportation fuel or other petroleum products; and

(ii) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSION.—The term ''refinery'' includes an expansion of a refinery.

(7) REFINERY PERMITTING AGREEMENT.—The term ''refinery permitting agreement'' means an agreement entered into between the Administrator and a State or Indian tribe under subsection (c).

(8) STATE.—The term ''State'' means—

(A) a State; and

(B) the District of Columbia.

SEC. 6003. STREAMLINING OF REFINERY PERMITTING PROCESS.

(a) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a refinery shall be streamlined using a systematic, interdisciplinary multimedia approach, as provided in this section.

(b) AUTHORITY OF ADMINISTRATOR.—Under a refinery permitting agreement, the Administrator shall have the authority, as applicable and necessary—

(1) to accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

(2) in consultation and cooperation with each Federal, State, or tribal government agency that is required to make any determination to authorize the issuance of a permit, to establish a schedule under which each agency shall—

(A) concurrently consider, to the maximum extent practicable, each determination to be made; and

(B) complete each step in the permitting process; and

(3) to issue a consolidated permit that combines all permits issued under the schedule established under paragraph (2).

(c) REFINERY PERMITTING AGREEMENTS.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(1) the Administrator shall have each of the authorities described in subsection (b); and

(2) the State or tribal government agency shall—

(A) in accordance with State law, make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated, project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(B) comply, to the maximum extent practicable, with the applicable schedule established under subsection (b)(2).

(d) DEADLINES.—

(1) NEW REFINERIES.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 365 days after the date of receipt of an administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline described in subparagraph (A).

(2) EXPANSION OF EXISTING REFINERIES.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 120 days after the date of receipt of an administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline described in subparagraph (A).

(e) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under subsection (b)(2).

(f) JUDICIAL REVIEW.—Any civil action for review of a permit determination under a refinery permitting agreement shall be brought exclusively in the United States district court for the district in which the refinery is located or proposed to be located.

(g) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this subtitle.

(h) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a refinery are not approved on or before an applicable deadline under subsection (d), the Administrator may issue a consolidated permit that combines all other permits that the refiner is required to obtain, other than any permits that are not approved.

(i) CONSULTATION WITH LOCAL GOVERNMENTS.—The Administrator, States, and tribal governments shall consult, to the maximum extent practicable, with local governments in carrying out this section.

(j) EFFECT OF SECTION.—Nothing in this section affects—

(1) the operation or implementation of any otherwise applicable law regarding permits necessary for the construction and operation of a refinery;

(2) the authority of any unit of local government with respect to the issuance of permits; or

(3) any requirement or ordinance of a local government (such as a zoning regulation).

Subtitle B—Repeal of Renewable Fuel Standard

SEC. 6011. FINDINGS.

Congress finds that the mandates under the renewable fuel standard contained in section 211(o) of the Clean Air Act (42 U.S.C. 7545(o))—

(1) impose significant costs on American citizens and the American economy, without offering any benefit; and

(2) should be repealed.

SEC. 6012. PHASE OUT OF RENEWABLE FUEL STANDARD.

(a) IN GENERAL.—Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking clause (ii); and

(ii) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(B) in subparagraph (B), by striking clauses (ii) through (v) and inserting the following:

''(ii) CALENDAR YEARS 2014 THROUGH 2018.—Notwithstanding clause (i), for purposes of subparagraph (A), the applicable volumes of renewable fuel for each of calendar years 2014 through 2018 shall be determined as follows:

''(I) For calendar year 2014, in accordance with the table entitled 'I-2—Proposed 2014 Volume Requirements' of the proposed rule published at pages 71732 through 71784 of volume 78 of the Federal Register (November 29, 2013).

''(II) For calendar year 2015, the applicable volumes established under subclause (I), reduced by 20 percent.

''(III) For calendar year 2016, the applicable volumes established under subclause (I), reduced by 40 percent.

''(IV) For calendar year 2017, the applicable volumes established under subclause (I), reduced by 60 percent.

''(V) For calendar year 2018, the applicable volumes established under subclause (I), reduced by 80 percent.'';

(2) in paragraph (3)—

(A) by striking ''2021'' and inserting ''2017'' each place it appears; and

(B) in subparagraph (B)(i), by inserting '', subject to the condition that the renewable fuel obligation determined for a calendar year is not more than the applicable volumes established under paragraph (2)(B)(ii)'' before the period; and

(3) by adding at the end the following:

''(13) SUNSET.—The program established under this subsection shall terminate on December 31, 2018.''.

(b) REGULATIONS.—Effective beginning on January 1, 2019, the regulations contained in subparts K and M of part 80 of title 40, Code of Federal Regulations (as in effect on that date of enactment), shall have no force or effect.

TITLE VII—STOPPING EPA OVERREACH

SEC. 7001. FINDINGS.

Congress finds that—

(1) the Environmental Protection Agency has exceeded its statutory authority by promulgating regulations that were not contemplated by Congress in the authorizing language of the statutes enacted by Congress;

(2) no Federal agency has the authority to regulate greenhouse gases under current law; and

(3) no attempt to regulate greenhouse gases should be undertaken without further Congressional action.

SEC. 7002. CLARIFICATION OF FEDERAL REGULATORY AUTHORITY TO EXCLUDE GREENHOUSE GASES FROM REGULATION UNDER THE CLEAN AIR ACT.

(a) REPEAL OF FEDERAL CLIMATE CHANGE REGULATION.—

(1) GREENHOUSE GAS REGULATION UNDER CLEAN AIR ACT.—Section 302(g) of the Clean Air Act (42 U.S.C. 7602(g)) is amended—

(A) by striking ''(g) The term'' and inserting the following:

''(g) AIR POLLUTANT.—

''(1) IN GENERAL.—The term''; and

(B) by adding at the end the following:

''(2) EXCLUSION.—The term 'air pollutant' does not include carbon dioxide, water vapor, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.''.

(2) NO REGULATION OF CLIMATE CHANGE.—Notwithstanding any other provision of law, nothing in any of the following Acts or any other law authorizes or requires the regulation of climate change or global warming:

(A) The Clean Air Act (42 U.S.C. 7401 et seq.).

(B) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(C) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(D) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(E) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(b) EFFECT ON PROPOSED RULES OF THE EPA.—In accordance with this section, the following proposed or contemplated rules (or any similar or successor rules) of the Environmental Protection Agency shall be void and have no force or effect:

(1) The proposed rule entitled ''Standards of Performance for Greenhouse Gas Emissions From New Stationary Sources: Electric Utility Generating Units'' (published at 79 Fed. Reg. 1430 (January 8, 2014)).

(2) The contemplated rules on carbon pollution for existing power plants.

(3) Any other contemplated or proposed rules proposed to be issued pursuant to the purported authority described in subsection (a)(2).

SEC. 7003. JOBS ANALYSIS FOR ALL EPA REGULATIONS.

(a) IN GENERAL.—Before proposing or finalizing any regulation, rule, or policy, the Administrator of the Environmental Protection Agency shall provide an analysis of the regulation, rule, or policy and describe the direct and indirect net and gross impact of the regulation, rule, or policy on employment in the United States.

(b) LIMITATION.—No regulation, rule, or policy described in subsection (a) shall take effect if the regulation, rule, or policy has a negative impact on employment in the United States unless the regulation, rule, or policy is approved by Congress and signed by the President.

TITLE VIII—DEBT FREEDOM FUND

SEC. 8001. FINDINGS.

Congress finds that—

(1) the national debt being over $17,000,000,000,000 in 2014—

(A) threatens the current and future prosperity of the United States;

(B) undermines the national security interests of the United States; and

(C) imposes a burden on future generations of United States citizens; and

(2) revenue generated from the development of the natural resources in the United States should be used to reduce the national debt.

SEC. 8002. DEBT FREEDOM FUND.

Notwithstanding any other provision of law, in accordance with all revenue sharing arrangement with States in effect on the date of enactment of this Act, an amount equal to the additional amount of Federal funds generated by the programs and activities under this division (and the amendments made by this division)—

(1) shall be deposited in a special trust fund account in the Treasury, to be known as the ''Debt Freedom Fund''; and

(2) shall not be withdrawn for any purpose other than to pay down the national debt of the United States, for which purpose payments shall be made expeditiously.

SA 2977. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, after line 25, add the following:

Subtitle F—Energy Tax Prevention

SEC. 451. SHORT TITLE.

This subtitle may be cited as the ''Energy Tax Prevention Act of 2014''.

SEC. 452. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

(a) IN GENERAL.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

''SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

''(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

''(b) LIMITATIONS ON AGENCY ACTION.—

''(1) LIMITATIONS.—

''(A) IN GENERAL.—The Administrator may not—

''(i) promulgate any regulation under this Act concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change, ocean acidification, sea level rise, or any other effect alleged to be caused by climate change; or

''(ii)(I) regulate the emission of methane from oil and gas industry at any point along the production, distribution, processing, refining, or transport value chain; or

''(II) take any regulatory, enforcement, or official action to carry out the Climate Action Plan Strategy to Reduce Methane Emissions of the President (March 2014).

''(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

''(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

''(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' published at 75 Fed. Reg. 74152 (November 30, 2010).

''(B) Implementation and enforcement of section 211(o).

''(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

''(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

''(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

''(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

''(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

''(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009) and all other rules or guidance regarding the greenhouse gas reporting program of the Administrator.

''(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act' published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

''(C) 'Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs' published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen

L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (Dec. 18, 2008).

''(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

''(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

''(F) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

''(G) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

''(H) 'Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

''(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program', published at 75 Fed. Reg. 82430 (December 30, 2010).

''(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

''(L) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas's Prevention of Significant Deterioration Program', published at 76 Fed. Reg. 25178 (May 3, 2011).

''(M) Proposed rule on 'Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units', published at 77 Fed. Reg. 22392 (Apr. 13, 2012).

''(N) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits', published at 77 Fed. Reg. 41051 (July 12, 2012).

''(O) Proposed rule on 'Standards of Performance for Greenhouse Gas Emissions From New Stationary Sources: Electric Utility Generating Units', published at 79 Fed. Reg. 1430 (Jan. 8, 2014).

''(P) 'Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order No. 12866' of the Interagency Working Group on Social Cost of Carbon.

''(Q) 'Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions' of the Council on Environmental Quality.

''(R) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

''(5) STATE ACTION.—

''(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

''(B) EXCEPTION.—

''(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

''(I) is not federally enforceable;

''(II) is not deemed to be a part of Federal law; and

''(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

''(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term 'provision' means any provision that—

''(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

''(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

''(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).''.

SEC. 453. PRESERVING 1 NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)) is amended by adding at the end the following:

''(4) GREENHOUSE GASES.—With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).''.

SA 2978. Mr. INHOFE (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 601. SHORT TITLE.

This title may be cited as the ''Alternative Fuel Vehicle Development Act''.

SEC. 602. ALTERNATIVE FUEL VEHICLES.

(a) MAXIMUM FUEL ECONOMY INCREASE FOR ALTERNATIVE FUEL AUTOMOBILES.—Section 32906(a) of title 49, United States Code, is amended by striking ''(except an electric automobile)'' and inserting ''(except an electric automobile or, beginning with model year 2016, an alternative fueled automobile that does not use a fuel described in subparagraph (A), (B), (C), or (D) of section 32901(a)(1))''.

(b) MINIMUM DRIVING RANGES FOR DUAL FUELED PASSENGER AUTOMOBILES.—Section 32901(c)(2) of title 49, United States Code, is amended—

(1) in subparagraph (B), by inserting '', except that beginning with model year 2016, alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of subsection (a)(1) shall have a minimum driving range of 150 miles'' after ''at least 200 miles''; and

(2) in subparagraph (C), by adding at the end the following: ''Beginning with model year 2016, if the Secretary prescribes a minimum driving range of 150 miles for alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of subsection (a)(1), subparagraph (A) shall not apply to dual fueled automobiles (except electric automobiles).''.

(c) MANUFACTURING PROVISION FOR ALTERNATIVE FUEL AUTOMOBILES.—Section 32905(d) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''For any model'' and inserting the following:

''(1) MODEL YEARS 1993 THROUGH 2015.—For any model'';

(3) in paragraph (1), as redesignated, by striking ''2019'' and inserting ''2015''; and

(4) by adding at the end the following:

''(2) MODEL YEARS AFTER 2015.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer after model year 2015, the Administrator shall calculate fuel economy as a weighted harmonic average of the fuel economy on gaseous fuel as measured under subsection (c) and the fuel economy on gasoline or diesel fuel as measured under section 32904(c). The Administrator shall apply the utility factors set forth in the table under section 600.510–12(c)(2)(vii)(A) of title 40, Code of Federal Regulations.

''(3) MODEL YEARS AFTER 2016.—Beginning with model year 2017, the manufacturer may elect to utilize the utility factors set forth under subsection (e)(1) for the purposes of calculating fuel economy under paragraph (2).''.

(d) ELECTRIC DUAL FUELED AUTOMOBILES.—Section 32905 of title 49, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) ELECTRIC DUAL FUELED AUTOMOBILES.—

''(1) IN GENERAL.—At the request of the manufacturer, the Administrator may measure the fuel economy for any model of dual fueled automobile manufactured after model year 2015 that is capable of operating on electricity in addition to gasoline or diesel fuel, obtains its electricity from a source external to the vehicle, and meets the minimum driving range requirements established by the Secretary for dual fueled electric automobiles, by dividing 1.0 by the sum of—

''(A) the percentage utilization of the model on gasoline or diesel fuel, as determined by a formula based on the model's alternative fuel range, divided by the fuel economy measured under section 32904(c); and

''(B) the percentage utilization of the model on electricity, as determined by a formula based on the model's alternative fuel range, divided by the fuel economy measured under section 32904(a)(2).

''(2) ALTERNATIVE UTILIZATION.—The Administrator may adapt the utility factor established under paragraph (1) for alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of section 32901(a)(1))''.

''(3) ALTERNATIVE CALCULATION.—If the manufacturer does not request that the Administrator calculate the manufacturing incentive for its electric dual fueled automobiles in accordance with paragraph (1), the Administrator shall calculate such incentive for such automobiles manufactured by such manufacturer after model year 2015 in accordance with subsection (b).''.

(e) CONFORMING AMENDMENT.—Section 32906(b) of title 49, United States Code, is amended by striking ''section 32905(e)'' and inserting ''section 32905(f)''.

SEC. 603. HIGH OCCUPANCY VEHICLE FACILITIES.

Section 166 of title 23, United States Code, is amended—

(1) in subparagraph (b)(5), by striking subparagraph (A) and inserting the following:

''(A) INHERENTLY LOW-EMISSION VEHICLES.—If a State agency establishes procedures for enforcing the restrictions on the use of a HOV facility by vehicles listed in clauses (i) and (ii), the State agency may allow the use of the HOV facility by—

''(i) alternative fuel vehicles; and

''(ii) new qualified plug-in electric drive motor vehicles (as defined in section 30D(d)(1) of the Internal Revenue Code of 1986).''; and

(2) in subparagraph (f)(1), by inserting ''solely'' before ''operating''.

SEC. 604. STUDY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy, after consultation with the Secretary of Transportation, shall submit a report to Congress that—

(1) describes options to incentivize the development of public compressed natural gas fueling stations; and

(2) analyzes a variety of possible financing tools, which could include—

(A) Federal grants and credit assistance;

(B) public-private partnerships; and

(C) membership-based cooperatives.

SA 2979. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. . ANALYSIS OF EMPLOYMENT EFFECTS UNDER THE CLEAN AIR ACT.

(a) FINDINGS.—Congress finds that—

(1) the Environmental Protection Agency has systematically distorted the true impact of regulations promulgated by the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.) on job creation by using incomplete analyses to assess effects on employment, primarily as a result of the Environmental Protection Agency failing to take into account the cascading effects of a regulatory change across interconnected industries and markets nationwide;

(2) despite the Environmental Protection Agency finding that the impact of certain air pollution regulations will result in net job creation, implementation of the air pollution regulations will actually require billions of dollars in compliance costs, resulting in reduced business profits and millions of actual job losses;

(3)(A) the analysis of the Environmental Protection Agency of the final rule of the Agency entitled ''National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units'' (77 Fed. Reg. 9304 (Feb. 16, 2012)) estimated that implementation of the final rule would result in the creation of 46,000 temporary construction jobs and 8,000 net new permanent jobs; but

(B) a private study conducted by NERA Economic Consulting, using a ''whole economy'' model, estimated that implementation of the final rule described in subparagraph (A) would result in a negative impact on the income of workers in an amount equivalent to 180,000 to 215,000 lost jobs in 2015 and 50,000 to 85,000 lost jobs each year thereafter;

(4)(A) the analysis of the Environmental Protection Agency of the final rule of the Agency entitled ''Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals'' (76 Fed. Reg. 48208 (Aug. 8, 2011)) estimated that implementation of the final rule would result in the creation of 700 jobs per year; but

(B) a private study conducted by NERA Economic Consulting estimated that implementation of the final rule described in subparagraph (A) would result in the elimination of a total of 34,000 jobs during the period beginning in calendar year 2013 and ending in calendar year 2037;

(5)(A) the analysis of the Environmental Protection Agency of the final rules of the Agency entitled ''National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters'' (76 Fed. Reg. 1.5608 (March 21, 2011)) and ''National Emission Standards for Hazardous Air. Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers'' (76 Fed. Reg. 15554 (March 21, 2011)) estimated that implementation of the final rules would result in the creation of 2,200 jobs per year; but

(B) a private study conducted by NERA Economic Consulting estimated that implementation of the final rules described in subparagraph (A) would result in the elimination of 28,000 jobs per year during. the period beginning in calendar year 2013 and ending in calendar year 2037;

(6) implementation of certain air pollution rules of the Environmental Protection Agency that have not been reviewed, updated, or finalized as of the date of enactment of this Act, such as regulations on greenhouse gas emissions and the update or review of national ambient air quality standards, are predicted to result in significant and negative employment impacts, but the Agency has not yet fully studied or disclosed the full impacts of existing Agency regulations;

(7) in reviewing, developing, or updating any regulations promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.) after the date of enactment of this Act, the Environmental Protection Agency must be required to accurately disclose the adverse impact the existing regulations of the Agency will have on jobs and employment levels across the economy in the United States and disclose those impacts to the American people before issuing a final rule; and

(8) although since 1977, section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)) has required the Administrator of the Environmental Protection Agency to ''conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provision of [the Clean Air Act] and applicable implementation plans, including where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement'', the Environmental Protection Agency has failed to undertake that analysis or conduct a comprehensive study that considers the impact of programs carried out under the Clean Air Act (42 U.S.C. 7491. et seq.) on jobs and changes in employment.

(b) PROHIBITION.—The Administrator of the Environmental Protection Agency shall not propose or finalize any major rule (as defined in section 804 of title 5, United States Code) under the Clean Air Act (42 U.S.C. 7401 et seq.) until after the date on which the Administrator—

(1) completes an economy-wide analysis capturing the costs and cascading effects across industry sectors and markets in the United States of the implementation of major rules promulgated under the Clean Air Act (42 7401 et seq.); and

(2) establishes a process to update that analysis not less frequently than semiannually, so as to provide for the continuing evaluation of potential loss or shifts in employment, pursuant to section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)), that may result from the implementation of major rules under the Clean Air Act (42 U.S.C. 7401 et seq.).

SA 2980. Mr. INHOFE (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 30___. FEDERAL PURCHASE REQUIREMENT.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) RENEWABLE ENERGY.—The term 'renewable energy' means electric or thermal energy generated from, or avoided by, solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or an addition of new capacity at an existing hydroelectric project.''; and

(2) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated), by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes''; and

(C) by adding at the end the following:

''(2) SEPARATE CALCULATION.—For purposes of determining compliance with the requirements of this section, any energy consumption that is avoided through the use of renewable energy shall be considered to be renewable energy produced.''.

SA 2981. Mr. BARRASSO (for himself, Mr. CORNYN, Mr. HOEVEN, Mr. INHOFE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NATURAL GAS EXPORTS.

(a) IN GENERAL.—Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended—

(1) by striking ''(c) For purposes'' and inserting the following:

''(c) EXPEDITED APPLICATION AND APPROVAL PROCESS.—

''(1) DEFINITION OF WORLD TRADE ORGANIZATION MEMBER COUNTRY.—In this subsection, the term 'World Trade Organization member country' has the meaning given the term 'WTO member country' in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

''(2) EXPEDITED APPLICATION AND APPROVAL PROCESS.—For purposes''; and

(2) in paragraph (2) (as so designated), by striking ''nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas'' and inserting ''World Trade Organization member country''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications for the authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) that are pending on, or filed on or after, the date of enactment of this Act.

SA 2982. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At end of the bill, add the following:

DIVISION B—SAVING COAL JOBS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Saving Coal Jobs Act of 2014''.

TITLE XXI—PROHIBITION ON ENERGY TAX

SEC. 2101. PROHIBITION ON ENERGY TAX.

(a) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) on June 25, 2013, President Obama issued a Presidential memorandum directing the Administrator of the Environmental Protection Agency to issue regulations relating to power sector carbon pollution standards for existing coal fired power plants;

(B) the issuance of that memorandum circumvents Congress and the will of the people of the United States;

(C) any action to control emissions of greenhouse gases from existing coal fired power plants in the United States by mandating a national energy tax would devastate major sectors of the economy, cost thousands of jobs, and increase energy costs for low-income households, small businesses, and seniors on fixed income;

(D) joblessness increases the likelihood of hospital visits, illnesses, and premature deaths;

(E) according to testimony on June 15, 2011, before the Committee on Environment and Public Works of the Senate by Dr. Harvey Brenner of Johns Hopkins University, ''The unemployment rate is well established as a risk factor for elevated illness and mortality rates in epidemiological studies performed since the early 1980s. In addition to influences on mental disorder, suicide and alcohol abuse and alcoholism, unemployment is also an important risk factor in cardiovascular disease and overall decreases in life expectancy.'';

(F) according to the National Center for Health Statistics, ''children in poor families were four times as likely to be in fair or poor health as children that were not poor'';

(G) any major decision that would cost the economy of the United States millions of dollars and lead to serious negative health effects for the people of the United States should be debated and explicitly authorized by Congress, not approved by a Presidential memorandum or regulations; and

(H) any policy adopted by Congress should make United States energy as clean as practicable, as quickly as practicable, without increasing the cost of energy for struggling families, seniors, low-income households, and small businesses.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that—

(i) a national energy tax is not imposed on the economy of the United States; and

(ii) struggling families, seniors, low-income households, and small businesses do not experience skyrocketing electricity bills and joblessness;

(B) to protect the people of the United States, particularly families, seniors, and children, from the serious negative health effects of joblessness;

(C) to allow sufficient time for Congress to develop and authorize an appropriate mechanism to address the energy needs of the United States and the potential challenges posed by severe weather; and

(D) to restore the legislative process and congressional authority over the energy policy of the United States.

(b) PRESIDENTIAL MEMORANDUM.—Notwithstanding any other provision of law, the head of a Federal agency shall not promulgate any regulation relating to power sector carbon pollution standards or any substantially similar regulation on or after June 25, 2013, unless that regulation is explicitly authorized by an Act of Congress.

TITLE XXII—PERMITS

SEC. 2201. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

(a) APPLICABILITY OF GUIDANCE.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) APPLICABILITY OF GUIDANCE.—

''(1) DEFINITIONS.—In this subsection:

''(A) GUIDANCE.—

''(i) IN GENERAL.—The term 'guidance' means draft, interim, or final guidance issued by the Administrator.

''(ii) INCLUSIONS.—The term 'guidance' includes—

''(I) the comprehensive guidance issued by the Administrator and dated April 1, 2010;

''(II) the proposed guidance entitled 'Draft Guidance on Identifying Waters Protected by the Clean Water Act' and dated April 28, 2011;

''(III) the final guidance proposed by the Administrator and dated July 21, 2011; and

''(IV) any other document or paper issued by the Administrator through any process other than the notice and comment rulemaking process.

''(B) NEW PERMIT.—The term 'new permit' means a permit covering discharges from a structure—

''(i) that is issued under this section by a permitting authority; and

''(ii) for which an application is—

''(I) pending as of the date of enactment of this subsection; or

''(II) filed on or after the date of enactment of this subsection.

''(C) PERMITTING AUTHORITY.—The term 'permitting authority' means—

''(i) the Administrator; or

''(ii) a State, acting pursuant to a State program that is equivalent to the program under this section and approved by the Administrator.

''(2) PERMITS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, in making a determination whether to approve a new permit or a renewed permit, the permitting authority—

''(i) shall base the determination only on compliance with regulations issued by the Administrator or the permitting authority; and

''(ii) shall not base the determination on the extent of adherence of the applicant for the new permit or renewed permit to guidance.

''(B) NEW PERMITS.—If the permitting authority does not approve or deny an application for a new permit by the date that is 270 days after the date of receipt of the application for the new permit, the applicant may operate as if the application were approved in accordance with Federal law for the period of time for which a permit from the same industry would be approved.

''(C) SUBSTANTIAL COMPLETENESS.—In determining whether an application for a new permit or a renewed permit received under this paragraph is substantially complete, the permitting authority shall use standards for determining substantial completeness of similar permits for similar facilities submitted in fiscal year 2007.''.

(b) STATE PERMIT PROGRAMS.—

(1) IN GENERAL.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by striking subsection (b) and inserting the following:

''(b) STATE PERMIT PROGRAMS.—

''(1) IN GENERAL.—At any time after the promulgation of the guidelines required by section 304(a)(2), the Governor of each State desiring to administer a permit program for discharges into navigable waters within the jurisdiction of the State may submit to the Administrator—

''(A) a full and complete description of the program the State proposes to establish and administer under State law or under an interstate compact; and

''(B) a statement from the attorney general (or the attorney for those State water pollution control agencies that have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of the State, or the interstate compact, as applicable, provide adequate authority to carry out the described program.

''(2) APPROVAL.—The Administrator shall approve each program for which a description is submitted under paragraph (1) unless the Administrator determines that adequate authority does not exist—

''(A) to issue permits that—

''(i) apply, and ensure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

''(ii) are for fixed terms not exceeding 5 years;

''(iii) can be terminated or modified for cause, including—

''(I) a violation of any condition of the permit;

''(II) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

''(III) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; and

''(iv) control the disposal of pollutants into wells;

''(B)(i) to issue permits that apply, and ensure compliance with, all applicable requirements of section 308; or

''(ii) to inspect, monitor, enter, and require reports to at least the same extent as required in section 308;

''(C) to ensure that the public, and any other State the waters of which may be affected, receives notice of each application for a permit and an opportunity for a public hearing before a ruling on each application;

''(D) to ensure that the Administrator receives notice and a copy of each application for a permit;

''(E) to ensure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State and the Administrator with respect to any permit application and, if any part of the written recommendations are not accepted by the permitting State, that the permitting State will notify the affected State and the Administrator in writing of

the failure of the State to accept the recommendations, including the reasons for not accepting the recommendations;

''(F) to ensure that no permit will be issued if, in the judgment of the Secretary of the Army (acting through the Chief of Engineers), after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired by the issuance of the permit;

''(G) to abate violations of the permit or the permit program, including civil and criminal penalties and other means of enforcement;

''(H) to ensure that any permit for a discharge from a publicly owned treatment works includes conditions to require the identification in terms of character and volume of pollutants of any significant source introducing pollutants subject to pretreatment standards under section 307(b) into the treatment works and a program to ensure compliance with those pretreatment standards by each source, in addition to adequate notice, which shall include information on the quality and quantity of effluent to be introduced into the treatment works and any anticipated impact of the change in the quantity or quality of effluent to be discharged from the publicly owned treatment works, to the permitting agency of—

''(i) new introductions into the treatment works of pollutants from any source that would be a new source (as defined in section 306(a)) if the source were discharging pollutants;

''(ii) new introductions of pollutants into the treatment works from a source that would be subject to section 301 if the source were discharging those pollutants; or

''(iii) a substantial change in volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and

''(I) to ensure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

''(3) ADMINISTRATION.—Notwithstanding paragraph (2), the Administrator may not disapprove or withdraw approval of a program under this subsection on the basis of the following:

''(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

''(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(i) in subsection (c)—

(I) in paragraph (1)(A), by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''; and

(II) in paragraph (2)(A), by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''; and

(ii) in subsection (d), in the first sentence, by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''.

(B) Section 402(m) of the Federal Water Pollution Control Act (33 U.S.C. 1342(m)) is amended in the first sentence by striking ''subsection (b)(8) of this section'' and inserting ''subsection (b)(2)(H)''.

(c) SUSPENSION OF FEDERAL PROGRAM.—Section 402(c) of the Federal Water Pollution Control Act (33 U.S.C. 1342(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) LIMITATION ON DISAPPROVAL.—Notwithstanding paragraphs (1) through (3), the Administrator may not disapprove or withdraw approval of a State program under subsection (b) on the basis of the failure of the following:

''(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

''(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

(d) NOTIFICATION OF ADMINISTRATOR.—Section 402(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)(2)) is amended—

(1) by striking ''(2)'' and all that follows through the end of the first sentence and inserting the following:

''(2) OBJECTION BY ADMINISTRATOR.—

''(A) IN GENERAL.—Subject to subparagraph (C), no permit shall issue if—

''(i) not later than 90 days after the date on which the Administrator receives notification under subsection (b)(2)(E), the Administrator objects in writing to the issuance of the permit; or

''(ii) not later than 90 days after the date on which the proposed permit of the State is transmitted to the Administrator, the Administrator objects in writing to the issuance of the permit as being outside the guidelines and requirements of this Act.'';

(2) in the second sentence, by striking ''Whenever the Administrator'' and inserting the following:

''(B) REQUIREMENTS.—If the Administrator''; and

(3) by adding at the end the following:

''(C) EXCEPTION.—The Administrator shall not object to or deny the issuance of a permit by a State under subsection (b) or (s) based on the following:

''(i) Guidance, as that term is defined in subsection (s)(1).

''(ii) The interpretation of the Administrator of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

SEC. 2202. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) IN GENERAL.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) by striking the section heading and all that follows through ''SEC. 404. (a) The Secretary may issue'' and inserting the following:

''SEC. 404. PERMITS FOR DREDGED OR FILL MATERIAL.

''(a) PERMITS.—

''(1) IN GENERAL.—The Secretary may issue''; and

(2) in subsection (a), by adding at the end the following:

''(2) DEADLINE FOR APPROVAL.—

''(A) PERMIT APPLICATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), if an environmental assessment or environmental impact statement, as appropriate, is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary shall—

''(I) begin the process not later than 90 days after the date on which the Secretary receives a permit application; and

''(II) approve or deny an application for a permit under this subsection not later than the latter of—

''(aa) if an agency carries out an environmental assessment that leads to a finding of no significant impact, the date on which the finding of no significant impact is issued; or

''(bb) if an agency carries out an environmental assessment that leads to a record of decision, 15 days after the date on which the record of decision on an environmental impact statement is issued.

''(ii) PROCESSES.—Notwithstanding clause (i), regardless of whether the Secretary has commenced an environmental assessment or environmental impact statement by the date described in clause (i)(I), the following deadlines shall apply:

''(I) An environmental assessment carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 1 year after the deadline for commencing the permit process under clause (i)(I).

''(II) An environmental impact statement carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 2 years after the deadline for commencing the permit process under clause (i)(I).

''(B) FAILURE TO ACT.—If the Secretary fails to act by the deadline specified in clause (i) or (ii) of subparagraph (A)—

''(i) the application, and the permit requested in the application, shall be considered to be approved;

''(ii) the Secretary shall issue a permit to the applicant; and

''(iii) the permit shall not be subject to judicial review.''.

(b) STATE PERMITTING PROGRAMS.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORITY OF ADMINISTRATOR.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (4), until the Secretary has issued a permit under this section, the Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, if the Administrator determines, after notice and opportunity for public hearings, that the discharge of the materials into the area will have an unacceptable adverse effect on municipal water supplies, shellfish beds or fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

''(2) CONSULTATION.—Before making a determination under paragraph (1), the Administrator shall consult with the Secretary.

''(3) FINDINGS.—The Administrator shall set forth in writing and make public the findings of the Administrator and the reasons of the Administrator for making any determination under this subsection.

''(4) AUTHORITY OF STATE PERMITTING PROGRAMS.—This subsection shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the determination of the Administrator that the discharge will result in an unacceptable adverse effect as described in paragraph (1).''.

(c) STATE PROGRAMS.—Section 404(g)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(g)(1)) is amended in the first sentence by striking ''for the discharge'' and inserting ''for all or part of the discharges''.

SEC. 2203. IMPACTS OF ENVIRONMENTAL PROTECTION AGENCY REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs, except that any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than $1,000,000 over any calendar year, except that any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

(b) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis in the Capitol of the State.

(c) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—

(A) IN GENERAL.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents.

(B) PRIORITY.—In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(d) NOTIFICATION.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

SEC. 2204. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.

(a) IN GENERAL.—The Secretary of the Army and the Administrator of the Environmental Protection Agency may not—

(1) finalize, adopt, implement, administer, or enforce the proposed guidance described in the notice of availability and request for comments entitled ''EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act'' (EPA–HQ–OW–2011–0409) (76 Fed. Reg. 24479 (May 2, 2011)); and

(2) use the guidance described in paragraph (1), any successor document, or any substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any decision regarding the scope of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any rulemaking.

(b) RULES.—The use of the guidance described in subsection (a)(1), or any successor document or substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any rule shall be grounds for vacating the rule.

SEC. 2205. LIMITATIONS ON AUTHORITY TO MODIFY STATE WATER QUALITY STANDARDS.

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking ''(4) The'' and inserting the following:

''(4) PROMULGATION OF REVISED OR NEW STANDARDS.—

''(A) IN GENERAL.—The'';

(3) by striking ''The Administrator shall promulgate'' and inserting the following:

''(B) DEADLINE.—The Administrator shall promulgate;'' and

(4) by adding at the end the following:

''(C) STATE WATER QUALITY STANDARDS.—Notwithstanding any other provision of this paragraph, the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the determination of the Administrator that the revised or new standard is necessary to meet the requirements of this Act.''.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

''(7) STATE OR INTERSTATE AGENCY DETERMINATION.—With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point at which the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.''.

SEC. 2206. STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.

Section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) is amended by striking paragraph (2) and inserting the following:

''(2) STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.—

''(A) IN GENERAL.—Each State shall submit to the Administrator from time to time, with the first such submission not later than 180 days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), the waters identified and the loads established under subparagraphs (A), (B), (C), and (D) of paragraph (1).

''(B) APPROVAL OR DISAPPROVAL BY ADMINISTRATOR.—

''(i) IN GENERAL.—Not later than 30 days after the date of submission, the Administrator shall approve the State identification and load or announce the disagreement of the Administrator with the State identification and load.

''(ii) APPROVAL.—If the Administrator approves the identification and load submitted by the State under this subsection, the State shall incorporate the identification and load into the current plan of the State under subsection (e).

''(iii) DISAPPROVAL.—If the Administrator announces the disagreement of the Administrator with the identification and load submitted by the State under this subsection. the Administrator shall submit, not later than 30 days after the date that the Administrator announces the disagreement of the Administrator with the submission of the State, to the State the written recommendation of the Administrator of those additional waters that the Administrator identifies and such loads for such waters as the Administrator believes are necessary to implement the water quality standards applicable to the waters.

''(C) ACTION BY STATE.—Not later than 30 days after receipt of the recommendation of the Administrator, the State shall—

''(i) disregard the recommendation of the Administrator in full and incorporate its own identification and load into the current plan of the State under subsection (e);

''(ii) accept the recommendation of the Administrator in full and incorporate its identification and load as amended by the recommendation of the Administrator into the current plan of the State under subsection (e); or

''(iii) accept the recommendation of the Administrator in part, identifying certain additional waters and certain additional loads proposed by the Administrator to be added to the State's identification and load and incorporate the State's identification and load as amended into the current plan of the State under subsection (e).

''(D) NONCOMPLIANCE BY ADMINISTRATOR.—

''(i) IN GENERAL.—If the Administrator fails to approve the State identification and load or announce the disagreement of the Administrator with the State identification and load within the time specified in this subsection—

''(I) the identification and load of the State shall be considered approved; and

''(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

''(ii) RECOMMENDATIONS NOT SUBMITTED.—If the Administrator announces the disagreement of the Administrator with the identification and load of the State but fails to submit the written recommendation of the Administrator to the State within 30 days as required by subparagraph (B)(iii)—

''(I) the identification and load of the State shall be considered approved; and

''(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

''(E) APPLICATION.—This section shall apply to any decision made by the Administrator under this subsection issued on or after March 1, 2013.''.

SA 2983. Ms. WARREN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 305. STUDY AND REPORT ON ENERGY SAVINGS BENEFITS OF OPERATIONAL EFFICIENCY PROGRAMS AND SERVICES.

(a) DEFINITION OF OPERATIONAL EFFICIENCY PROGRAMS AND SERVICES.—In this section, the term ''operational efficiency programs and services'' means programs and services that use information and communications technologies (including computer hardware,

energy efficiency software, and power management tools) to operate buildings and equipment in the optimum manner at the optimum times.

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study and issue a report that quantifies the energy savings benefits of operational efficiency programs and services for commercial, institutional, industrial, and governmental entities, including Federal agencies.

(c) MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS.—The report required under this section shall recommend methodologies or protocols for utilities, utility regulators, and Federal agencies to evaluate, measure, and verify energy savings from operational efficiency programs and services.

SA 2984. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 117, strike line 23 and all that follows through page 123, line 25, and insert the following:

(8) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 4 years after the date of enactment of this Act, and before December 31, 2017, the enhanced loan eligibility requirements required under this subsection shall be implemented by each covered agency to—

(A) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home;

(B) be available on any residential real property (including individual units of condominiums and cooperatives) that qualifies for a covered loan; and

(C) provide prospective mortgagees with sufficient guidance and applicable tools to implement the required underwriting methods.

(d) ENHANCED ENERGY EFFICIENCY UNDERWRITING VALUATION GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) in consultation with the Federal Financial Institutions Examination Council and the advisory group established in subsection (f)(2), develop and issue guidelines for a covered agency to determine the maximum permitted loan amount based on the value of the property for all covered loans made on properties with an energy efficiency report that meets the requirements of subsection (c)(3)(B); and

(B) in consultation with the Secretary of Energy, issue guidelines for a covered agency to determine the estimated energy savings under paragraph (3) for properties with an energy efficiency report.

(2) REQUIREMENTS.—The enhanced energy efficiency underwriting valuation guidelines required under paragraph (1) shall include—

(A) a requirement that if an energy efficiency report that meets the requirements of subsection (c)(3)(B) is voluntarily provided to the mortgagee, such report shall be used by the mortgagee or covered agency to determine the estimated energy savings of the subject property; and

(B) a requirement that the estimated energy savings of the subject property be added to the appraised value of the subject property by a mortgagee or covered agency for the purpose of determining the loan-to-value ratio of the subject property, unless the appraisal includes the value of the overall energy efficiency of the subject property, using methods to be established under the guidelines issued under paragraph (1).

(3) DETERMINATION OF ESTIMATED ENERGY SAVINGS.—

(A) AMOUNT OF ENERGY SAVINGS.—The amount of estimated energy savings shall be determined by calculating the difference between the estimated energy costs for the average comparable houses, as determined in guidelines to be issued under paragraph (1), and the estimated energy costs for the subject property based upon the energy efficiency report.

(B) DURATION OF ENERGY SAVINGS.—The duration of the estimated energy savings shall be based upon the estimated life of the applicable equipment, consistent with the rating system used to produce the energy efficiency report.

(C) PRESENT VALUE OF ENERGY SAVINGS.—The present value of the future savings shall be discounted using the average interest rate on conventional 30-year mortgages, in the manner directed by guidelines issued under paragraph (1).

(4) ENSURING CONSIDERATION OF ENERGY EFFICIENT FEATURES.—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon; and

(B) in paragraph (3), by striking the period at the end and inserting ''; and'' and inserting after paragraph (3) the following:

''(4) that State certified and licensed appraisers have timely access, whenever practicable, to information from the property owner and the lender that may be relevant in developing an opinion of value regarding the energy- and water-saving improvements or features of a property, such as—

''(A) labels or ratings of buildings;

''(B) installed appliances, measures, systems or technologies;

''(C) blueprints;

''(D) construction costs;

''(E) financial or other incentives regarding energy- and water-efficient components and systems installed in a property;

''(F) utility bills;

''(G) energy consumption and benchmarking data; and

''(H) third-party verifications or representations of energy and water efficiency performance of a property, observing all financial privacy requirements adhered to by certified and licensed appraisers, including section 501 of the Gramm-Leach-Bliley Act (15 U.S.C. 6801).

Unless a property owner consents to a lender, an appraiser, in carrying out the requirements of paragraph (4), shall not have access to the commercial or financial information of the owner that is privileged or confidential.''.

(5) TRANSACTIONS REQUIRING STATE CERTIFIED APPRAISERS.—Section 1113 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3342) is amended—

(A) in paragraph (1), by inserting before the semicolon the following: '', or any real property on which the appraiser makes adjustments using an energy efficiency report''; and

(B) in paragraph (2), by inserting after ''atypical'' the following: '', or an appraisal on which the appraiser makes adjustments using an energy efficiency report.''.

(6) PROTECTIONS.—

(A) AUTHORITY TO IMPOSE LIMITATIONS.—The guidelines to be issued under paragraph (1) shall include such limitations and conditions as determined by the Secretary to be necessary to protect against meaningful under or over valuation of energy cost savings or duplicative counting of energy efficiency features or energy cost savings in the valuation of any subject property that is used to determine a loan amount.

(B) ADDITIONAL AUTHORITY.—At the end of the 7-year period following the implementation of enhanced eligibility and underwriting valuation requirements under this section, the Secretary may modify or apply additional exceptions to the approach described in paragraph (2), where the Secretary finds that the unadjusted appraisal will reflect an accurate market value of the efficiency of the subject property or that a modified approach will better reflect an accurate market value.

(7) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 4 years after the date of enactment of this Act, and before December 31, 2017,

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NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to consideration of H.R. 4120, which was received from the House and is at the desk.

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

The legislative clerk read as follows:

The bill (H.R. 4120) to amend the National Law Enforcement Museum Act to extend the termination date.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent the bill be read three times and passed and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The bill (H.R. 4120) was ordered to a third reading, was read the third time, and passed.

RECOGNIZING CINCO DE MAYO

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 437.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 437) recognizing the historic significance of the Mexican holiday of Cinco de Mayo.

There being no objection, the Senate proceeded to the resolution.

CINCO DE MAYO

Mr. REID. Mr. President, today I wish everyone, especially Mexican Americans across the country and in Nevada, a happy Cinco de Mayo. All Americans, regardless of background, join with the Mexican-American community in commemorating the causes of freedom, liberty, and Hispanic heritage represented by this holiday.

There are celebrations all over America today. Driving to work this morning, I saw a couple of people with great big sombreros wanting to come to one of the celebrations in and around

Washington. So this is a wonderful holiday we all celebrate.

Mr. UDALL of Colorado. Mr. President, I support this resolution, with Senator Cornyn and others, commemorating Cinco de Mayo.

We all love Cinco de Mayo for the food and festivities that we have grown so accustomed to across our country. However, we commemorate Cinco de Mayo in order to celebrate the joint-history and values that are shared by both Mexicans and Americans. Cinco de Mayo is a day that reminds us that the citizens of Mexico possess the same courage that we, as Americans, value in ourselves. For that reason, the commemoration of Cinco de Mayo has transcended from being a celebration of the victorious Battle of Puebla that Mexico won over France, to a celebration of courage and a recognition of all contributions that the Mexican-American community has had both in Colorado and in our great Nation. Celebrating Cinco de Mayo brings pride to both the Mexican-American community and all Americans.

The courage displayed by Mexican forces on May 5, 1862 parallels the courage that we as Americans have used to overcome adversity and thrive since our founding. The victory of the beleaguered force of Mexican troops at the Battle of Puebla weakened France's immense resources and limited its ability to meddle in America's Civil War. As Mexico sought to defend itself from European aggression, the Battle of Puebla reminds us that the foundation of the United States was also built through battles in which the United States often found itself as the underdog. Through courage, perseverance, and the willingness to fight and die for freedom, our Nation has become stronger. These contributions that the Mexican-American community has had in our Nation should be celebrated as part of our country's history.

While Cinco de Mayo remains a Mexican national holiday, the commemoration of this holiday has become imbedded in American culture. Both in Colorado and throughout our Nation, the contributions of the millions of Mexican-American families are seen throughout our communities. As in years past, I continue to encourage my fellow Coloradans to celebrate Cinco de Mayo by remembering and educating but also by coming together with friends and neighbors to enjoy food, music, and dancing.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

DESIGNATING ST. LOUIS, MISSOURI, AS THE ''NATIONAL CHESS CAPITAL'' OF THE UNITED STATES

Mr. MERKLEY. Mr. President, I ask unanimous consent the HELP Committee be discharged from further consideration of S. Res. 102 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 102) expressing support for the designation of Saint Louis, Missouri, as the ''National Chess Capital'' of the United States to enhance awareness of the educational benefits of chess and to encourage schools and community centers to engage in chess programs to promote problem-solving, critical thinking, spatial awareness, and goal setting.

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

Mr. MERKLEY. Mr. President, I further ask that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 102) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 102

Whereas, in 2009 and 2011, the United States Chess Federation awarded Saint Louis, Missouri, the title of ''Chess City of the Year'' and, in 2010, the Chess Club and Scholastic Center of Saint Louis was named ''Chess Club of the Year'';

Whereas Saint Louis hosted the United States Chess Championship and United States Women's Chess Championship in 2009, 2010, 2011, and 2012 and the United States Junior Closed Chess Championship in 2010, 2011, and 2012, which are the three most prestigious, invitation-only chess tournaments in the United States;

Whereas the Chess Club and Scholastic Center of Saint Louis opened its doors in July 2008, and since that date, Saint Louis has become widely recognized as the emerging chess center of the United States;

Whereas chess promotes problem-solving, higher-level thinking skills, and improved self-esteem;

Whereas the Chess Club and Scholastic Center of Saint Louis brings the educational benefits of chess to thousands of students in more than 100 schools and community centers across the greater Saint Louis area, targeting more than 3,300 students in 2011 and 2012;

Whereas the Chess Club and Scholastic Center of Saint Louis offers free classes and lectures, weekly tournaments, private lessons, summer camps, and field trips to expose school-aged children to the benefits of chess;

Whereas the Chess Club and Scholastic Center of Saint Louis provides instructors, equipment, and curricula to after-school programs in the greater Saint Louis area;

Whereas the Chess Club and Scholastic Center of Saint Louis offers a coaching program to create a sustainable network of participating after-school chess programs; and

Whereas Saint Louis has become a hub for developing chess skills in students from across the United States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses support for the designation of Saint Louis, Missouri, as the ''National Chess Capital'' of the United States;

(2) encourages the people of Saint Louis to continue promoting the educational benefits of chess among school-aged children; and

(3) encourages all schools and community centers in the United States to engage in chess programs to promote problem-solving, critical thinking, spatial awareness, and goal setting.

MEASURE PLACED ON THE CALENDAR—S. 2280

Mr. MERKLEY. I understand that S. 2280 is at the desk and 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 (S. 2280) to approve the Keystone XL Pipeline.

Mr. MERKLEY. I object to any further proceedings with respect to the bill.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

ORDERS FOR TUESDAY, MAY 6, 2014

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, May 6, 2014; 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 any leader remarks, the time until 11 a.m. be equally divided and controlled between the two leaders or their designees prior to a cloture vote on the motion to proceed to S. 2262, the Energy Savings and Industrial Competitiveness Act; that the Senate recess at 12:30 p.m. subject to the call of the Chair to allow for the weekly caucus meetings and the official photograph of the 113th Congress; that if cloture is invoked on the motion to proceed to S. 2262, the time during the recess count postcloture.

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

PROGRAM

Mr. MERKLEY. There will be a roll-call vote at 11 a.m. tomorrow.

Additionally, the official photograph of the 113th Congress will be at 2:15 p.m. tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. 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 7:17 p.m., adjourned until Tuesday, May 6, 2014, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

ANTHONY G. COLLINS, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE WILLIAM L. WILSON.

AFRICAN DEVELOPMENT BANK

MARCIA DENISE OCCOMY, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE WALTER CRAWFORD JONES, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JOHN MAEDA, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016. (NEW POSITION)

EXECUTIVE OFFICE OF THE PRESIDENT

DAVID ARTHUR MADER, OF VIRGINIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE DANIEL I. WERFEL, RESIGNED.

DEPARTMENT OF DEFENSE

DEBRA S. WADA, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE THOMAS R. LAMONT, RESIGNED.

COMMODITY FUTURES TRADING COMMISSION

J. CHRISTOPHER GIANCARLO, OF NEW JERSEY, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2019. (REAPPOINTMENT)

FEDERAL ENERGY REGULATORY COMMISSION

CHERYL A. LAFLEUR, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2019.

DEPARTMENT OF STATE

GEORGE ALBERT KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

MARK WILLIAM LIPPERT, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

JAMES D. NEALON, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

DANA SHELL SMITH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

GENTRY O. SMITH, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE, VICE ERIC J. BOSWELL, RESIGNED.

DEPARTMENT OF EDUCATION

ROBERT M. GORDON, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION, VICE CARMEL, MARTIN, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

JEFFREY A. MURAWSKY, OF ILLINOIS, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS, VICE ROBERT A. PETZEL.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JOHN I. ACTKINSON
CHRISTOPHER M. ANCTIL
KEVIN M. CAMPBELL
JOSEPH M. CANDRILLI
RUSSELL S. CANTY
DAVID C. CHANDLER
JONATHAN D. CIRILLO
ANDREW M. COLE
JEROD L. COLE
BENJAMIN T. DORSCH
BRADFORD S. FOSTER
JOSEPH M. FOSTER
SAMUEL S. FROMILLE IV
ANDREW T. GAY
KYLE R. HICKMAN
BRIAN M. IRISH
BRYAN V. JENNINGS
NOAH L. MCBURNETT
MICHAEL R. MCDONALD
TRAVIS W. MILLER
JASON P. MORTIMER
JONATHAN L. NEGAARD
ARTHUR L. PORCHE, JR.
ALEXANDER E. RATCLIFFE
JOHN H. SEEBODE
DAVID J. SMITH
ANDREW T. STREENAN
ROBERT SZELIGOWSKI
DAVID K. TIREY
CHRISTOPHER S. TURNER
GERALD V. WEERS
JAMES T. WILLIAMS
JUSTIN R. WOLFE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT J. POLVINO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

COLIN CAMPBELL
MICHAEL L. FREIDBERG
LINDA JARUSEWSKI
WON H. KIM
MATTHEW E. SIMMS
LISA A. VANDERBLOEMEN
PETER M. VELZ
WILLIAM O. WOODWARD
JAY T. YOUNG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOSEPH M. ACOSTA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOHN BELLISSIMO
KURT W. BIRKHAHN
ROBERT A. DESROSIERS
TODD M. HILLER
BRIAN J. HILLERS
OREST W. LEBEDOVYCH
ROSS C. Y. LEE
STEPHEN M. RUGGIERO
MILTON J. SINGLETON III
CHRIS G. WOODWARD
RANDALL J. WROBLEWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DARYL S. BORGQUIST
JEFFREY A. DANZINGER
JOHN FILOSTRAT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID R. STORR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BILLY C. YOUNG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MARK J. MOURISKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PHILLIP H. BURNSIDE
HOA T. HO
GORDON A. HUNT
JAMES H. LEE
MARK N. MCLEAN
ERIC M. THOMAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT DRYMAN
ERIK R. HORNER
CHERYL H. LAUER
JERI L. ONEILL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

TIMOTHY M. BAKER
CLAUDIA D. MACON
JOHN E. SEDLOCK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CHAD E. BAKER
ANDREW T. BISHOP
ROBERT DENTON III
RALPH F. DEWALT II
GARETT E. EDMONDS
MATTHEW J. JACKSON
MICHAEL JOYNER
GARRETT V. KRAUSE
MICHAEL V. MINEO
PETER L. MORRISON
NATHAN J. MOYER
DANIEL A. OGDEN
SAMUEL D. PONTIER
ROBERT J. PRITCHARD
MARK B. SUCATO
RODNEY L. TURBAK
JASON A. WELCH
DEREK S. WESSMAN
CHRIS F. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

SCOTT W. ALEXANDER
WILLIAM L. ANGERMANN
RICHARD P. BASSI
CHRISTOPHER S. BUNCE
MARK C. CANADY
ANTHONY N. CARAMANDO
ROBERT T. CARRETTA
JAMES G. COLLINS
CHRISTOPHER J. CULVER
JEFFREY W. DAVIS
ANTHONY P. DELGIANNI
JOHN R. DESORMIER
THAISON D. DO
BRADLEY D. DUNHAM
AMY D. EGELI
DAVID J. ENGLE
GEORGE W. EVANS
MARK A. EVERT
JAMES E. FEROCE
JUAN M. GARCIA III
PHILIP A. GERARD
JOHN P. GORMLEY
MATTHEW R. HAHN
WILLIAM A. HOWEY
CARL A. JOHNSON
DANIEL J. KELLEY
THEODORE P. LECLAIR
DAVID E. MCMANUS
DONALD J. MENDLER
PHILIP MILLER
PETER J. MORSE
MATTHEW P. NOLTY
JEFFREY A. NOWAK
ROBERT C. NOWAKOWSKI
BRADD C. OLSEN
CONRAD F. ORLOFF
SCOTT L. PARKINSON
FRANK A. PIETRUSIEWICZ
DAVID P. POLATTY IV
DAVID S. RAHMER
PAUL C. RAWLEY
MICHAEL W. ROBBINS
RICHARD RODRIGUEZ
SCOTT W. RUSTON
KEVIN P. RYAN
GAMALIER SAEZ
DAVID G. SAMTMANN
JOANNA M. SARMIENTO
JACK L. SCISM
KEITH L. SELBY
TODD J. SEVERANCE
CHARLES M. STOFFA
NELS H. SWANSON
SCOTT J. TETRICK
RICHARD M. WAER
KIMBERLY A. WALZ
TROY T. WHITE
SCOTT W. WRIGHT
BURT J. YAROCH
JAMES A. YOUNG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROGER F. WILBUR

CONFIRMATIONS

Executive nominations confirmed by the Senate May 5, 2014:

THE JUDICIARY

NANCY L. MORITZ, OF KANSAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT.

DEPARTMENT OF STATE

PETER A. SELFRIDGE, OF MINNESOTA, TO BE CHIEF OF PROTOCOL, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE.