

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-11. A joint resolution adopted by the Legislature of the State of Nevada urging the United States Congress to facilitate the payment of contractors who completed hazardous fuels treatment projects in the Lake Tahoe Basin pursuant to contracts with the Nevada Fire Safe Council; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 3

Whereas, In 1999, Northern Nevada experienced one of the worst wildfire years on record, with more than 1.6 million acres burned and significant economic and environmental impacts; and

Whereas, In the spring of 1999, a resolution was approved at Nevada's first comprehensive fire conference, known as the "Living With Fire Forum," which urged the establishment of a statewide council to provide support to make homes, neighborhoods and communities in Nevada safe from fire; and

Whereas, The Nevada Fire Safe Council was formed as a domestic nonprofit corporation on December 10, 1999, and received appropriations from the Nevada Legislature in 2005 and 2007 to administer a community-based wildfire threat reduction program; and

Whereas, By March 2007, the Council had grown to include 60 affiliated chapters and 3,515 members; and

Whereas, The Angora Fire in the summer of 2007 burned more than 250 structures on private property and more than 3,000 acres in the Lake Tahoe Basin, and further amplified the existing need for mitigation work to reduce the threat of wildfire in communities; and

Whereas, Between 2008 and 2012, the Council was awarded over \$21 million in federal reimbursement grants to be used to pay public and private entities for the completion of hazardous fuels treatment projects; and

Whereas, In July 2011, the Office of Inspector General of the United States Department of Agriculture initiated an audit of the Council's records after receiving a complaint on its hotline alleging that the Council was awarding certain contracts in a noncompetitive manner; and

Whereas, The audit report issued by the Inspector General in January 2012 indicated various accounting irregularities in the Council's administration of the federal reimbursement grant money and resulted in the freezing of reimbursement payments of that grant money for completed projects until the accounting deficiencies were corrected; and

Whereas, In November 2012, the Council filed for bankruptcy and ceased operations; and

Whereas, As a result of the freezing of reimbursement payments and the Council's bankruptcy, various public and private entities that had completed hazardous fuels treatment projects in the Lake Tahoe Basin pursuant to agreements with the Council have not been paid for their services, which has caused significant economic hardship to those entities; and

Whereas, On March 20, 2014, California Assemblyman Brian Dahle and his staff were joined by staff from the offices of United States Representatives Doug LaMalfa and Tom McClintock to share their concerns about the outstanding debts of the Council and to explore solutions with Nevada's Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of

the 78th Session of the Nevada Legislature hereby urge Congress to facilitate the payment of contractors who completed hazardous fuels treatment projects in the Lake Tahoe Basin pursuant to contracts with the Nevada Fire Safe Council and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Attorney General of the United States, the Chief of the United States Forest Service, the Director of the Bureau of Land Management, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM-12. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to provide full long-term funding for the Payment in Lieu of Taxes program and to reauthorize Secure Rural Schools and Community Self-Determination Act funding; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT MEMORIAL 1010

Whereas, The State of Arizona is composed of 113,417 square miles of land, of which 17% is managed by the Bureau of Land Management 15% is managed by the United States Forest Service, 2% is managed by the United States Fish and Wildlife Service, 4% is managed by the National Park Service, 4% is military land and 28% is tribal land. Thus, much of the land in Arizona is unavailable for economic development and is not part of the property tax base; and

Whereas, counties are required to provide law enforcement, search and rescue, emergency services, road building and maintenance, and other community services on, or associated with, tax-exempt federally managed public lands; and

Whereas, The Payment in Lieu of Taxes (PILT) program was established in 1976 to offset costs incurred by counties for services provided to the federal government and to the users of federally managed lands located within a county; and

Whereas, The national average PILT payment in fiscal year 2014 was \$0.72 per acre, which is far below the amount that federally managed lands would return through both value-based taxation and economic development; and

Whereas, Congress has been unable to pass a long-term funding solution for the PILT program since 2008 and has instead passed last-minute one-year extensions, causing great uncertainty about county finances and services as well as rural school funding; and

Whereas, funding for fiscal year 2015 PILT was included in the Consolidated and Further Continuing Appropriations Act and the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act, totaling \$442 million, but the fate of fiscal year 2016 and future years is still unknown; and

Whereas, a lack of certainty for PILT funding places the large, unsustainable burden of providing services on federally managed lands squarely on the backs of local county taxpayers, while the presence of that federally managed land creates barriers to economic opportunities; and

Whereas, rural communities and schools in and around national forests have historically relied on a share of receipts from timber harvests to support education services and roads; and

Whereas, in the 1980s, federal restrictions substantially diminished the revenue-generating timber harvests permitted in these forests; and

Whereas, the Secure Rural Schools and Community Self-Determination Act (SRS) was passed in 2000 to stabilize and transition payments to counties and schools away from the declining and unreliable share of timber sales; and

Whereas, the failure of Congress to honor the more than 100-year-old contract between the federal government and heavily forested communities by not reauthorizing SRS funding for fiscal years 2014 and 2015 will create budgetary shortfalls for rural counties and school districts; and

Whereas, failure to immediately secure SRS funding for fiscal years 2014 and 2015 and PILT funding for fiscal year 2016 and into the future for Arizona counties will critically impact the local budget process and structural solvency of counties and the public school systems and will substantially compromise their ability to provide essential services, such as health, safety and welfare; and

Whereas, the federal government has the duty to reimburse local jurisdictions for the presence of federally managed public lands in a reliable and consistent manner.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress provide full long-term funding for the PILT program to help create financial stability within Arizona's counties.

2. That the United States Congress immediately reauthorize SRS funding for fiscal years 2014 and 2015 and work toward a long-term solution.

3. That the United States Congress work with the State of Arizona and county governments to identify and implement policies to promote economic development on, or associated with, federally managed lands.

4. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-13. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to enact legislation exempting United States military bases from the regulations and restrictions of the Endangered Species Act; to the Committee on Environment and Public Works.

SENATE CONCURRENT MEMORIAL 1009

Whereas, the mission of the United States Department of Defense is "to provide the military forces needed to deter war and to protect the security of our country"; and

Whereas, according to the Department of Defense and the Government Accountability Office (GAO), a fundamental principle of military readiness is that the military must train as it intends to fight; and

Whereas, the Department of Defense has established military training facilities in Arizona, including Fort Huachuca, Davis-Monthan Air Force Base, Luke Air Force Base and the Barry M. Goldwater range, among others, to accomplish this goal; and

Whereas, Department of Defense officials indicate that heightened focus on the application of environmental statutes has affected the use of its training areas; and

Whereas, compliance with environmental regulations, especially the Endangered Species Act (ESA), has caused some training activities to be canceled, postponed or modified; and

Whereas, compliance with environmental regulations, particularly the ESA, has forced military officials to make adjustments to training regimens, including requiring units

in training to avoid areas with ESA restrictions; and

Whereas, since 2003, the Department of Defense has obtained exemptions from three environmental laws and sought exemptions from three others; and

Whereas, these exemptions allow the military to maintain its high state of readiness and help to ensure its ability to meet unexpected threats; and

Whereas, these exemptions are under increased scrutiny by environmental groups and federal officials who would rather protect wildlife than allow the military to maintain its readiness; and

Whereas, a GAO report found no instances in which the Department of Defense's use of exemptions from the ESA or the Migratory Bird Treaty Act has adversely affected the environment; and

Whereas, the United States military has proven itself to be a responsible and effective steward of the land and environment.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress enact legislation exempting United States military bases and training facilities from the regulations and restrictions of the Endangered Species Act.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-14. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to enact the 21st Century Endangered Species Transparency Act; to the Committee on Environment and Public Works.

SENATE CONCURRENT MEMORIAL 1012

Whereas, when the Endangered Species Act (ESA) was originally enacted in 1973, the framers and supporters of the ESA envisioned a law that would protect species believed to be on the brink of extinction; and

Whereas, at that time, 109 species were listed for protection; and

Whereas, today, over 1,500 species in the United States are designated as threatened or endangered under the ESA; and

Whereas, as a result of a 2011 mega-settlement between the United States Fish and Wildlife Service and environmental litigants, hundreds more species could be added within the next two years; and

Whereas, the ESA is failing to achieve its primary purpose of species recovery as it has only a 2% recovery rate; and

Whereas, the ESA was last amended in 1988, which means 27 years have passed since any improvements have been made; and

Whereas, the 21st Century Endangered Species Transparency Act would require that data used by federal agencies for ESA listing decisions be made publicly available and accessible through the Internet, while respecting state data privacy laws and private property; and

Whereas, the 21st Century Endangered Species Transparency Act would require the federal government to disclose to affected states data used prior to an ESA listing decision and require the "best available scientific and commercial data" used by the federal government to incorporate data provided by states, tribes and local county governments; and

Whereas, the 21st Century Endangered Species Transparency Act would require the United States Fish and Wildlife Service to track, report to Congress and make available online the federal taxpayer funds used to re-

spond to ESA lawsuits, the number of employees dedicated to ESA litigation and the amount of attorney fees awarded in the course of ESA litigation and settlement agreements; and

Whereas, the 21st Century Endangered Species Transparency Act would prioritize species protection and protect taxpayer dollars by placing reasonable caps on attorney fees to make the ESA consistent with existing federal law; and

Whereas, the customs, cultures and economic well-being of our local communities, as well as important historic and cultural aspects of our local heritage, are being ignored, which adversely affects the lives and jobs of the people of the United States and devastates local and state economies; and

Whereas, a cost-benefit analysis should be required on any ESA action; and

Whereas, the United States Chamber of Commerce, the American Farm Bureau Federation, the National Rural Electric Cooperative Association and many others support the 21st Century Endangered Species Transparency Act.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States enact the 21st Century Endangered Species Transparency Act.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-15. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to oppose the implementation of certain technology and emissions reduction rules for new and existing electric generating units; to the Committee on Environment and Public Works.

SENATE CONCURRENT MEMORIAL 1013

Whereas, the Clean Air Act (CAA) is a federal law designed to protect air quality nationwide; and

Whereas, jurisdiction to implement the CAA lies primarily with the states; and

Whereas, in 1970, Congress enacted the CAA, mandating comprehensive state and federal regulations for both stationary and nonstationary sources of pollution; and

Whereas, while Americans support efforts to improve air quality, such efforts should be carefully balanced to ensure that the costs of new regulations to the economy do not exceed potential benefits; and

Whereas, on June 2, 2014, the United States Environmental Protection Agency (EPA) proposed rules in the Federal Register that will require Arizona to reduce carbon emissions at existing generating facilities by 51.7% by 2030; and

Whereas, the carbon reduction targets for Arizona are the second highest in the nation; and

Whereas, the interim goal proposed for Arizona would require nearly 90% of the final goal to be achieved by the year 2020; and

Whereas, concentrations of greenhouse gases are the result of global emissions and do not pose an immediate risk to public health and safety as do other criteria pollutants; and

Whereas, the EPA's proposed rules exceed its legal authority to require reductions in carbon dioxide emissions from fossil fuel-fired electric generating units under Section 111(d) of the CAA and interfere with the electric system of Arizona; and

Whereas, addressing greenhouse gas emissions under Section 111(d) is a discretionary duty of the EPA as outlined in the CAA; and

Whereas, devoting resources to discretionary duties such as regulating greenhouse gas emissions takes away resources from nondiscretionary duties that are better suited to protect the public health in the near term; and

Whereas, it is important to Arizona's economy to have a diverse energy portfolio that provides reliable and affordable electric service to Arizona residents and businesses while protecting the public health and welfare; and

Whereas, fossil fuels, including coal and natural gas, provide an abundant, domestic and affordable energy source that is important to Arizona's economy and the availability and reliability of electric service; and

Whereas, the EPA ignores the customs, cultures and economic well-being of our local communities as well as important historic and cultural aspects of our local heritage; and

Whereas, the EPA's proposed Clean Power Plan will cause significant disruptions in Arizona's electricity supply and transmission system, causing reliability in the system to decrease.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress oppose the implementation of rules for existing electric generating units that exceed the EPA's legal authority under Section 111 of the CAA and interfere with the prerogative of Arizona to regulate electricity and ensure an affordable and reliable supply of electricity for its citizens.

2. That the United States Congress oppose the implementation of rules for new or existing electric generating units that do not recognize the primary role of states in establishing and implementing plans to achieve emissions reductions for existing units under Section 111 of the CAA.

3. That the United States Congress exercise oversight over the EPA to ensure that the primary role of States in establishing and implementing rules under Section 111 of the CAA is respected.

4. That the Governor and the Attorney General of the State of Arizona take appropriate actions to uphold this state's responsibilities with respect to the CAA and defend the state against overreaching regulations.

5. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, each Member of Congress from the State of Arizona, the Administrator of the United States Environmental Protection Agency, the Governor of the State of Arizona and the Attorney General of the State of Arizona.

POM-16. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to act to increase the United States Customs field office personnel at the ports of entry in Nogales, Douglas, and San Luis, Arizona; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT MEMORIAL 2003

Whereas, the United States and Mexico are important trading partners, and commerce between the two countries is a critical source of jobs, income and exchange; and

Whereas, according to the United States Department of Commerce, more than \$500 billion in bilateral trade and over \$100 billion occurs in cross-border investment annually; and

Whereas, in Arizona, \$28 billion in two-way trade is processed annually through Arizona's ports of entry; and

Whereas, according to the United States Census Bureau, Arizona exports to Mexico totaled \$7.1 billion in 2013; and

Whereas, the prime conduits for cross-border trade are through the ports of entry in Nogales, Douglas and San Luis, Arizona; and

Whereas, the Customs Field Office personnel within the United States Custom and Border Protection service of the United States Department of Homeland Security serve a vital function in promoting security and economic stability; and

Whereas, the lack of capacity and staffing for customs inspections at these primary entry points create congestion for incoming and outgoing goods, hampers commercial activity and potentially compromises border security; and

Whereas, these impediments ultimately translate into perished agricultural produce and lost business opportunities and income; and

Whereas, the rapid delivery of goods and commerce enhances business activity and strengthens economic integration; and

Whereas, greater inspection capacity at the United States border at the ports of entry in Nogales, Douglas and San Luis, Arizona will enhance the safety and swiftness of goods moving across the border, benefiting the economies of both nations; and

Whereas, increasing the number of Customs Field Office personnel at these ports will facilitate commercial traffic and will result in increased economic growth and stability for Arizona; and

Whereas, the letter signed by every member of the Arizona Congressional delegation and sent to the United States Department of Homeland Security dated October 14, 2014 expressed the need for greater staffing and allocation of personnel to Arizona's ports of entry.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress act expediently to increase and maintain staffing for Customs Field Office personnel at the ports of entry in Nogales, Douglas and San Luis, Arizona in order to prudently speed the flow of goods and commerce.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs:

Special Report entitled "Activities of the Committee on Homeland Security and Governmental Affairs During the 113th Congress" (Rept. No. 114-33).

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. PORTMAN (for himself and Mr. BROWN):

S. 1007. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to rename a site of the Dayton Aviation Heritage National Historical Park; to the Committee on Energy and Natural Resources.

By Mr. RISCH:

S. 1008. A bill to require certain agencies to conduct assessments of data centers and develop data center consolidation and optimization plans; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH:

S. 1009. A bill to extend the African Growth and Opportunity Act, the Generalized System of Preferences, the preferential duty treatment program for Haiti, and for other purposes; to the Committee on Finance.

By Mr. MANCHIN (for himself and Mr. VITTER):

S. 1010. A bill to amend the Securities Exchange Act of 1934 to exempt from registration brokers performing services in connection with the transfer of ownership of smaller privately held companies; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. CANTWELL (for herself, Ms. COLLINS, and Mrs. SHAHEEN):

S. 1011. A bill to establish a State Trade and Export Promotion Grant Program; to the Committee on Small Business and Entrepreneurship.

By Mr. BROWN (for himself, Mr. DURBIN, Mr. REID, Mr. SCHUMER, Mrs. MURRAY, Mr. WYDEN, Ms. STABENOW, Mr. CASEY, Mr. CARPER, Ms. CANTWELL, Mr. BENNET, Mr. MENENDEZ, Mr. CARDIN, Mr. NELSON, Mr. WARNER, Mr. KING, Mr. TESTER, Mr. SANDERS, Mr. BOOKER, Ms. KLOBUCHAR, Mr. PETERS, Mr. MERKLEY, Mr. MARKEY, Mrs. BOXER, Ms. WARREN, Mr. WHITEHOUSE, Mr. COONS, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. REED, Ms. HIRONO, Mr. SCHATZ, Mr. BLUMENTHAL, Mr. UDALL, Mr. LEAHY, Mrs. SHAHEEN, Mr. HEINRICH, Mr. MURPHY, Ms. BALDWIN, Ms. HEITKAMP, Ms. MIKULSKI, Mr. KAINE, Mrs. FEINSTEIN, and Mrs. MCCASKILL):

S. 1012. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit and make permanent certain tax provisions under the American Recovery and Reinvestment Act of 2009; to the Committee on Finance.

By Mr. COCHRAN (for himself and Mr. SCHUMER):

S. 1013. 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, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Ms. COLLINS):

S. 1014. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of cosmetics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 1015. A bill to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. COATS, Mr. COCHRAN, Mr. CORNYN, Mr. DAINES, Mr. ENZI, Mrs. ERNST, Mr. GARDNER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELLER, Mr. ISAKSON, Mr. MCCAIN, Mr. MCCONNELL, Mr. PERDUE, Mr. ROBERTS, Mr. SCOTT, Mr. THUNE, Mr. TILLIS, Mr. WICKER, Mr. INHOFE, Mr. ROUNDS, Mrs. FISCHER, Mr. SHELBY, Mr. RISCH, Mr. CRAPO, and Mr. SESSIONS):

S. 1016. A bill to preserve freedom and choice in health care; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MENENDEZ (for himself, Mr. KIRK, Mrs. BOXER, Mr. GARDNER, and Mr. MARKEY):

S. Res. 140. A resolution expressing the sense of the Senate regarding the 100th anniversary of the Armenian Genocide; to the Committee on Foreign Relations.

By Mr. BURR (for himself and Ms. HEITKAMP):

S. Res. 141. A resolution supporting the goals and ideals of Take Our Daughters and Sons To Work Day.

By Mr. MANCHIN:

S. Con. Res. 13. A concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the American Fighter Aces; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 149

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 149, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 177

At the request of Mr. NELSON, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 177, a bill to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a breach of security.

S. 198

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 198, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to inverted corporations.

S. 271

At the request of Mr. REID, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 271, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 330

At the request of Mr. HELLER, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. 330, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions, and for other purposes.