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# Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable DEAN HELLER, a Senator from the State of Nevada.

## PRAYER

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

Loving God, Your providence guides our going out and coming in, and we praise Your great Name.

Today, help our lawmakers to exercise that cool judgment that is worth far more than a thousand hasty words. Remind them that soft answers turn away anger and that humility precedes honor. As they work to do what is best for our Nation and world, use their lips to provide more light than heat, as their words build up instead of tearing down. May the words of their mouths and the meditations of their hearts glorify You.

And, Lord, bless the faithful members of our fall page class as they prepare to leave us.

We pray in Your mighty Name. Amen.

## PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, January 28, 2016.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEAN HELLER, a Senator from the State of Nevada, to perform the duties of the Chair.

ORRIN G. HATCH,
*President pro tempore.*

Mr. HELLER thereupon assumed the Chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## ENERGY POLICY MODERNIZATION BILL

Mr. MCCONNELL. Mr. President, the last time a broad energy bill was signed into law was back in 2007. It may as well have been a lifetime ago as far as America's energy situation is concerned. While we were once living in an era of energy scarcity, we are now living in an era of higher energy production and lower technology costs. It is change that represents many opportunities but also challenges—aging infrastructure, bureaucratic hurdles, outdated policies, and needless redtape. These are the kinds of challenges we will need to address if we want to support America's rise as one of the world's preeminent energy superpowers and if we want to support the accompanying potential for jobs, for growth, and for increased energy independence. That is why the Senate is considering the Energy Policy Modernization Act. It is broad, bipartisan legislation that will modernize our energy policies to keep pace with a changing world. It will help Americans produce more energy. It will help Americans pay less for energy. It will help Americans save energy.

This bipartisan bill builds on technological progress in order to strengthen and sustain America's energy advances while protecting our environment at the same time, all without raising taxes or adding to the deficit. It is the latest reminder of what is possible with cooperation in this Senate.

A huge majority of the Senate energy committee supported the bill when it came to a vote. The top Republican on the committee supported it and the top Democrat on the committee supported it. They are the managers of this bill today. They have worked with Members of both parties and have lined up amendments already. They are working with Members of both parties to schedule even more. If you have an amendment you would like considered, please work with them. Let's get this process moving. Let's get this bill passed so we can support more jobs, more growth, and more energy independence for our country.

## TRIBUTE TO MIKE BRUMAS

Mr. MCCONNELL. Mr. President, before I leave the floor, let me say this as well. The chair of the energy committee knows how to write good legislation. We have proof of that before us today. But here is something else: The chair of the energy committee also knows how to pick good staff. Take Mike Brumas as one example. He served as her communications director. He served as communications director for the junior Senator from Alabama, too, and as chief of staff for the State's senior Senator. Mike also spent time covering Washington back when he was a reporter.

Mike Brumas obviously had a lot of experience under his belt by the time he came to work for me. Mike was an important part of my team, he worked hard, and he earned positions of trust among respected Members of our conference and among the Washington press corps. Mike was there both in the minority and in the majority as we made our way through many challenges, but he never let his good humor or his zest for life get lost along the way.

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



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People will tell you that Mike loves history and political history in particular. It is a shared passion that kept me challenged and often entertained. People will tell you a few other things about Mike too. He is always smiling. He is always laughing. He always has a story to tell and a recipe to share. This aspiring chef and endeavoring fly fisherman is happiest when he is with his family—his delightful wife Ann and his sons Alex and Will—and Mike is at his best when he is outdoors camping or biking or just simply enjoying life beyond these walls.

When Mike told me it was his time to retire from the Senate, I was sad to see him go, but at the same time I was glad to see him able to spend more time around the people and things that make Mike, Mike.

Ronald Michael Brumas came to my office as a colleague and leaves as a friend. I thank him for his many years of dedicated service to me and to this body, and I send him best wishes for a retirement that promises to be anything but boring.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

## ENERGY LEGISLATION

Mr. REID. Mr. President, I have joined with the Republican leader over the last couple of days saying good things about the bill that is on the floor. But today my friend the Republican leader stated that nothing has happened with energy in this country since 2007. That simply is not right. It is not true. We have done a lot of stuff in the Senate under President Obama to do good things about energy.

For example, the first major bill under President Obama was the so-called American Recovery Act, the stimulus bill. In that bill there was a lot of stuff to change the energy delivery system in this country to allow the creation of new power lines which were so badly needed all over America.

For those of us who represent Nevada, we have a power line that now goes from northern Nevada to southern Nevada, and it would never have happened but for that legislation we passed. And there was an announcement made 2 weeks ago that that line is now going to be taken even farther to make it easier to transport power to California—renewable energy power. I spoke to the owner of that line, who owns half of it with NV Energy, and soon they will be taking it clear to the Northwest.

Of course, in the stimulus bill, it was the first time there has been major legislation allowed for tax credits, tax incentives for doing renewable energy. And the bill we just passed, the omnibus bill, the tax extenders—there is tremendous stuff in that bill for renewable energy and other electricity initiatives.

So I like this bill that is on the floor. It is a good bill. But it simply is not valid to say that nothing has happened since 2007 because that is a gross understatement.

I really hope we can pass the bill that is on the floor. The vast majority of this bill contains the Shaheen-Portman legislation that we tried valiantly to get done in the past. It was blocked by Republican filibusters. Sadly, the cosponsor of the bill twice voted against his own bill. The Senator from Ohio voted against his own legislation. I hope that doesn't happen again.

## NOMINATIONS

Mr. REID. Mr. President, the President of the United States deserves the right to choose a team to carry out the work that is being done here, and the leader of that work to be done here is the President. It was the same way with President Bush, President Reagan, and President Clinton. They deserved a team—a team they chose—to help effectuate policies they saw as necessary for this country. The President of the United States deserves the right to choose a team to carry out his vision here at home and around the world—his vision. I am not alone in that belief. My friend, the senior Senator from Arizona, Mr. MCCAIN, said: ''The President, in my view, has a clear right to put into place the team he believes will serve him best.''

Sadly, since President Obama was elected, Republicans have stopped at nothing to undermine the President's team—seeking to prevent progress by denying him the personnel he wants to carry out his agenda. Despite record obstruction, President Obama has achieved remarkable progress. I talked about some of that just a minute ago. Imagine what President Obama could have accomplished if Republicans took their constitutional duties seriously.

Regrettably, during the Obama Presidency, Republicans have done everything within their power to block, obstruct, stonewall, hinder qualified public servants from serving. In the first year of Republican control, the Senate confirmed the fewest nominations of any first session in memory. This blatant strategy of obstruction is shameful and dangerous to our economy and the national security of our country.

Headlines around the world remind us each day of the turmoil that exists in the global financial market and terrorism that threatens the world. Today we learned of multiple bombings yesterday and last night in Nigeria—lots of people killed. We can only wait and see where else that turmoil will arise.

Most Americans agree that we need a full complement of appointees to address the challenges we face. Republicans are preventing our government from doing its job at home and around the world.

According to the Congressional Research Service, the Senate banking committee has reported out at least one nomination every year for the past 50 years, but not last year—last year, not a single nominee. Currently, nominees to the Federal Reserve Board, the Securities and Exchange Commission, and other important financial assignments are stalled in the banking committee. The committee has been operating under Republican leadership for the past 13 months, and they have yet to report a single nomination out of that committee. That is the definition of historic obstruction.

If there is any nominee who deserves to be confirmed immediately, it is a man by the name of Adam Szubin, whom the President nominated to combat terrorism financing—think about that—terrorism financing. He is desperately needed at the Treasury Department. Jack Lew has called me on many occasions talking about how this man needs to fill this assignment. He has expressed to me the importance of his job in trying to slow ISIS and their financial network and other terrorism activities around the country. As Under Secretary for Terrorism and Financial Crimes, Szubin would lead a team that disrupts terrorist financing networks, cutting off money for terrorists so they can't finance their evil deeds. He has served as a career civil servant under both Republican and Democratic Presidents.

Despite the importance of his work, Republicans are preventing a vote in the banking committee and thus preventing Adam Szubin from having a vote here on the Senate floor. He is currently acting—he is certainly acting in a role that is not permanent, which is why they call him an acting member of the Treasury Department. He lacks the stature that his counterparts have around the world. So he is not able to do all that should be done to disrupt terrorist financial networks throughout the world.

In a September hearing on his nomination, the chairman of the banking committee, the senior Senator from Alabama said: ''Mr. Szubin is eminently qualified for this [position].''

Eminently qualified, not reported out of the banking committee, no vote here on the Senate floor—why are we holding up this critical nomination? We all know why. Powerful rightwing groups have announced that they are scoring votes on Presidential nominations. In fact, Heritage Action, which is a front group for the tea party and the Koch brothers, said the Senate should only confirm nominees they deem worthwhile—they deem, not Senators but this rightwing cabal. This comes at the expense of the American people and our national security.

If the Republican leadership follows this weird plan, scores of Ambassadors charged with representing our interests around the world could be prevented from service. They have been prevented from service.

We have several credible nominees currently awaiting floor votes. Ms.

Azita Raji, who has been nominated to represent America in Sweden, is an accomplished businesswoman who has lived and worked in Europe, Latin America, and Asia. There has been more than 300 Swedish citizens who have left Sweden to fight with ISIS in either Syria or Iraq, making this nation the second largest country of origin per capita for foreign fighters coming from Europe to the Middle East. We need to get this done. It is not right for America to not be able to deal, on a daily basis, with the authority to help Sweden with their issues. The Swedish Government is on heightened alert for an attack. Yet we don't have a Senate-confirmed ambassador to represent us in Stockholm. She was first nominated to be Ambassador in October 2014. We are now in 2016. We don't have an ambassador to Sweden.

We don't have an ambassador to Norway, and it has been that way for more than 2 years. President Obama nominated a person by the name of Samuel Heins, an accomplished lawyer and humanitarian from Minnesota. His nomination is not controversial. It is only controversial, I guess, to the Koch brothers, the tea party, and Heritage Action. He should be confirmed without delay, but it has been 2 years.

Other State Department nominations have been blocked for partisan reasons by the junior Senator from Texas. Tom Shannon has been nominated to be Under Secretary of State. We don't have an ambassador to Mexico. Tom Shannon has been nominated to the fourth highest ranking position in the State Department. He would like to be serving. He would serve as the day-to-day manager of overall regional and bilateral policy issues and oversee State Department bureaus around the world. He is a career Foreign Service officer, having served under Presidents of both parties. If he is confirmed, he would be the highest ranking career diplomat in the State Department.

John Kerry called me saying: How can I continue this job I have? I don't have people to do the work. He doesn't even have a lawyer. The State Department doesn't have a lawyer. We have tried to confirm Brian Egan starting back in September 2014, but he has been held up for months and months.

Do you know what this is about? Clinton's emails—Secretary Clinton's emails. If the senior Senator from Iowa is interested in getting answers to his countless letters to the State Department, wouldn't a Senate-confirmed legal advisor be of some help?

Eric Fanning, the President's nominee to be the next Secretary of the Army, is being blocked by the senior Senator from Kansas, even though the senior Senator from Kansas, Mr. ROBERTS, said: ''I think [Fanning's] a pretty good nominee.'' In spite of that, there is no vote on his nomination. The Army needs Mr. Fanning's leadership and responsibility for over a $200 billion budget for more than 1 million servicemembers. Right now they are making due at the Pentagon, but we should have a Secretary of the Army.

Unless Republicans change course, these important vacancies will go unfilled for the rest of the Obama administration, and our diplomacy and relationships around the world will continue to suffer because of what is going on here. I do not understand what my Republican colleagues are doing. If Republicans had their way, they would stop confirming officials at just about every key agency.

According to the Congressional Research Service, the Senate has confirmed an average of 351 nominations during the first session of the Congress. Last year the Senate didn't even get to half of what it normally does. The Republicans should get to work and schedule votes on the President's nominees.

Valid concerns about the qualifications of these nominees should be brought forth. We haven't heard any, but denying a vote for partisan gain does nothing to strengthen America at home or around the world. The American people deserve better.

This Senator says America is less safe because of what is going on with the Republicans in the Senate. We are not as secure as we should be. We have vacancies for Ambassadors all over the world that are not being filled. People within the State Department, the Treasury Department whose job is to deal with terrorism are being blocked. For the first time in 50 years we don't have anyone reported out of the banking committee. America is less safe because of what Republicans are doing to our country.

I yield the floor, Mr. President.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROUNDS). Under the previous order, the leadership time is reserved.

## ENERGY POLICY MODERNIZATION ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2012, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2012) to provide for the modernization of the energy policy of the United States, and for other purposes.

Pending:

Murkowski amendment No. 2953, in the nature of a substitute.

Murkowski (for Cassidy/Markey) amendment No. 2954 (to amendment No. 2953), to provide for certain increases in, and limitations on, the drawdown and sales of the Strategic Petroleum Reserve.

Murkowski (for Shaheen) amendment No. 2968 (to amendment No. 2953), to clarify the definition of the term ''smart manufacturing.''

Murkowski amendment No. 2963 (to amendment No. 2953), to modify a provision relating to bulk-power system reliability impact statements.

Murkowski (for Barrasso/Schatz) amendment No. 3017 (to amendment No. 2953), to expand the authority for awarding technology prizes by the Secretary of Energy to include a financial award for separation of carbon dioxide from dilute sources.

Murkowski (for Markey) amendment No. 2982 (to amendment No. 2953), to require the Comptroller General of the United States to conduct a review and submit a report on energy production in the United States and the effects of crude oil exports.

Murkowski (for Crapo) amendment No. 3021 (to amendment No. 2953), to enable civilian research and development of advanced nuclear energy technologies by private and public institutions, to expand theoretical and practical knowledge of nuclear physics, chemistry, and materials science.

Murkowski (for Schatz) amendment No. 2965 (to amendment No. 2953), to modify the funding provided for the Advanced Research Projects Agency—Energy.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided between the managers or their designees.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, good morning. This morning we are on day 2 of the Energy Policy Modernization Act. Yesterday, we took up this broad, bipartisan energy bill, the first of its kind in more than 8 years. Taking this up was a good moment for the Senate. It was an important step. It is the beginning of a series of steps that we will take to modernizing our Nation's energy as well as our mineral policies. I am hopeful we are going to have a good day of debate today.

As we begin this morning, I would like to summarize very briefly where we are in this process and what Members might expect over the course of the day. As of this morning, we have a total of 89 amendments that have now been filed to the underlying bill. We are already starting to process those amendments. We recognize that some will go by voice vote, some will of course need rollcall votes, and others simply will not be voted at all.

Right now we do have six amendments pending before the body. We have amendment No. 2963 that I have offered, which improves a provision in the underlying bill related to reliability impact statements. We have amendment No. 2968 from Senator SHAHEEN to clarify a definition for the term ''smart manufacturing'' that is contained within the underlying bill. We have an amendment from Senator MARKEY, amendment No. 2982, to require the Government Accountability Office to study the economic aspects of crude oil exports annually for 3 years. We have an amendment from Senator BARRASSO, amendment No. 3017, to establish a prize for technologies that can separate carbon dioxide molecules from dilute sources such as ambient air.

At noon we are scheduled to proceed to a rollcall vote on amendment No. 3021 to promote research into nuclear energy. There is a strong list of Members who are supporting this amendment: Senators CRAPO and RISCH from Idaho, along with Senator WHITEHOUSE of Rhode Island, Senator BOOKER of

New Jersey, Senator HATCH of Utah, and Senators KIRK and DURBIN from Illinois. There is a good bipartisan mix of Senators from around the country coming together to promote nuclear research with this amendment.

At 1:45 p.m. we will proceed to amendment No. 2965. This has been offered by Senator SCHATZ, and it will increase the authorized funding levels for ARPA–E in the underlying Energy bill.

Senator CANTWELL and I are both working with our staffs to reach agreement on any additional amendments that can be brought up for votes today. We will try to keep Members apprised as to what they can expect. I think both of us are hopeful that we will see more votes added to the list I have just described. We may have one as early as 11:30 this morning. That has not been worked out yet, but there is an option of course for more amendments in the afternoon, if Members are willing to stick with us on this.

As I mentioned yesterday in terms of some housekeeping details, and it is worth repeating today, I would urge Members not to wait to file amendments. Get your amendments in so we can be looking at them and assessing where they might fit, in terms of how we handle and process them. I think the earlier you are able to file these amendments the greater the likelihood that you will see a vote on them.

Again, as I mentioned yesterday, any amendments that cost money, any amendment that is going to score, you are going to need to find a viable offset in order for us to consider it. Further, if it is a measure that would result in a blue slip because it involves a tax provision or a tax amendment, know that is something we cannot consider.

Before I make some comments about some individuals, I want to make a few more brief remarks about the bill itself, this broad and bipartisan Energy Policy Modernization Act. I mentioned yesterday that we have a total of five titles within the bill, and we did not just construct them for organizational purposes. They represent some important themes in our policies within these areas.

The first title is ''Efficiency.'' When you think about the importance of efficiency in the energy sector, it is a critical component. We should all always be looking for ways to be saving energy. It is just smart. It is smart from a cost perspective. It is smart from being a good steward perspective. It is just smart all the way around. It helps our businesses and our families save money. It makes our resources last longer. It is good for our environment. Efficiency is good overall.

''Infrastructure'' is our second title. Typically, when we think about infrastructure, we think about the roads and bridges, but our energy infrastructure is integral to the daily operation of commerce that goes on around us when we are talking about energy infrastructure. It may be the big infrastructure such as the Hoover Dam. It is also the electric wires, pipelines, and it is the whole infrastructure package. We have a responsibility to keep our infrastructure in good shape so that we can reliably and safely transport energy from the place where it is produced to the place where it is needed.

I joke sometimes, saying it is frustrating because there is not more education or understanding about our energy and our energy resources and how they work as much as we would like. I have joked that some ascribe to this ''immaculate conception'' theory of energy—it just happens. The lights come on, the temperature is what we would like it to be, and we do not care how or why it came to us or the fact that we might not have that energy resource right here in our neighborhood. It is just here, and as long as we are not inconvenienced because it is not too expensive and it is reliable, we are good with it. We do not think about how it gets to us and the necessity of reliable, safe infrastructure to take that from the source to the customer.

The fourth title is accountability. Again, like efficiency, it just makes good sense to ensure that, as we are building out our energy policies, there is a level of accountability that comes with it—that our Federal agencies work efficiently and effectively as good stewards of taxpayer dollars. I think we have plenty of room for improvement when it comes to accountability right now.

I mentioned yesterday that in addition to a pretty robust accountability title, we remove some deadwood, some reports and requirements that have built up over the years that get incorporated into our United States Code, and then they just sit there.

As they sit there, it is not just that they are benign. The agencies still go ahead, and they have the reports that we here in Congress have required of them. That costs money. Nobody reads them. We have taken care of that within the accountability title.

Then the fifth title is the title that relates to conservation aspects as it relates to the Land and Water Conservation Fund, an issue that I know the Presiding Officer is very interested in and would like making sure there are reforms there. We want to work to make sure that the reforms are good and sound, also making sure that our national parks have the focus on maintenance that they need. We have a responsibility to ensure that we are taking care of our parks and public lands, to not let the addition of more parks come at the cost of not taking care of what we already have.

Rather than just kind of doing the 30,000-foot level on each of these various titles, I want to highlight today a little bit about the third title of this bill, the title that deals with energy supply.

Over the past few years, we have seen several things. We have seen a lot of good things that happen when we are producing our own energy here in this country and the benefits that accrue to us when our energy is abundant. It is not just access to energy, but it is also what allows us in terms of energy economic security, something that leads to the creation of good jobs. As the economy grows here, our security increases. Really, we become far more competitive.

So, again, when I talk about energy, strong energy policies, and an energy security focus, keep in mind these things reinforce one another. You have energy security leading to economic security, leading to national security. It moves all the way around. That, again, allows us to be more competitive over all other nations.

Our bill would help keep our Nation's oil and natural gas production going strong. We have included a pilot program from Senator HOEVEN for oil and gas permitting. We would expedite the process for liquefied natural gas exports, which could help us raise our domestic production levels. I want to say also that we did not just focus on oil and gas in this bill because we recognize drawing our energy from a variety of sources creates reliability and stability. We all know that Alaska is an oil-producing State. We focus a lot in our State on oil and being able to access it responsibly. We also know that when you are reliant on one source, there is a vulnerability. So when we talk about an ''all of the above'' approach to energy production, we mean it. This kind of approach just makes sense. It makes sense because it lessens your vulnerability. It increases not only your energy security, but your economic security and your national security as well.

So focusing on all aspects of our energy sources is key to what we do within this bill. We took some good steps to produce more hydropower in this country by helping to reduce the regulatory barriers and extending the licensing period for hydropower projects. This is important to us as a nation, especially when we think about resources that already exist through hydropower and the additional capacity that we could potentially gain from these already exiting hydropower resources. This is significant.

Geothermal is another area where we have an emissions-free source of baseload energy. Again, so much of what we talk about with renewables and part of the big problem that we face is that some renewables are intermittent. The wind does not always blow and the sun is not always out, so you have to have a reliable baseload. Our reliable baseload for a century has been coal.

We have a reliable baseload with nuclear. When others think about those other areas where we have reliable baseloads, they also ought to think about the potential of geothermal. Our bill includes a number of provisions to help us expand the use and reduce the cost of this important renewable resource. We are doing some exciting

things up in Alaska, as we are identifying sources to access geothermal energy resources.

In another area, in Alaska and in some of the other coastal States, whether it is Maine or down in Oregon, we are seeing some good progress, some interesting progress when it comes to marine hydrokinetic energy, which has the potential to draw the power from the movement of the oceans and river currents. I just mentioned reliable baseload. You need to have something that you can rely on.

The Presiding Officer comes from the interior part of the country. I come from a State that has almost 34,000 miles of coastline. One of the things that we know in Alaska is how the tides come and go. We can print up tide books because there is reliability as to when the tide is in and when the tide is out. So think about the potential for energy resources from our oceans, from our river currents. What we do within the bill is help advance marine hydrokinetic energy. We are attempting to help move it out of its infancy and focus the DOE on some pretty critical research areas.

We also have a great subtitle on minerals. Oftentimes we forget about the strategic importance of critical minerals. Every one of us is walking around nowadays with a smartphone. Every one of us, therefore, is reliant on some form of critical mineral. For those who want to advance the energy future in the direction of renewables, well, in order for you to have a wind turbine, you are going to need some of these critical minerals from the Earth to allow us to really build out technologies.

Minerals are really the foundation of our modern society. We need them for everything, as I said, from our smartphones to our military assets. Yet, despite this importance, we have really failed as policymakers to focus on mineral security. We have not been thinking about it enough. We have been talking a lot about this: Oh, we do not want to be reliant on oil. We do not want to be reliant on OPEC, and we work to address that. In the meantime, we have taken our eye off the ball when it comes to mineral security. We now import 100 percent of 19 separate mineral commodities and more than 50 percent of some 24 additional commodities. This is happening despite the growing importance of those minerals in our everyday lives and despite what we have here in this country, which is a world-class mineral base. When we talk about energy security and making sure that we are able to produce more here to reduce our vulnerability, energy security also needs to include that mineral security.

We also have provisions to promote our domestic supply of helium. A lot of people do not think about helium in the energy space. We promote nuclear power, particularly our advanced nuclear power, to help foster a strong energy workforce. So when we talk about the direction that this energy bill goes, I mentioned yesterday that innovation is the key to so much of what we are trying to push out as we modernize our energy policies.

As important as innovation is, supply is a case where more really is better. As a result of this good title that we have contained in the Energy Policy Modernization Act, I think our energy and our mineral supplies will increase in the years ahead to the benefit of America.

TRIBUTE TO MIKE BRUMAS

Mr. President, I know my colleague from Hawaii is here on the floor, but I want to take just a few minutes to acknowledge something the leader mentioned regarding an individual in his office, someone that has served him well, Mike Brumas. Mike has been working for Leader MCCONNELL now for a number of years and has done a great job in the communications department.

I too am very privileged to have had him leading my communications department between 2008 and 2010. Mike is one of those men whom you can call a southern gentleman. He has a little bit of a twang that did not quite fit with the Alaska reporters, but it did not matter because he was so knowledgeable on all issues—all issues that we dealt with, including some of the most parochial and local of Alaskan issues.

Mike Brumas embraced his job with an enthusiasm and a professionalism that was genuinely and sincerely appreciated. I know that he and his wife Ann are probably going to be spending a lot more time out on their bicycles and enjoying their time together. We happen to share timing; their two sons are just about the same age as the two sons that Vern and I have been raising. So we kind of shared parenting experiences as our sons grew into men.

It has just been a delight to spend the time getting to know Michael Brumas and seeing him as an exceptional professional here serving the Senate, both for me and for Leader MCCONNELL. So I wish him well and great adventures in his retirement.

TRIBUTE TO KAREN BILLUPS

Mr. President, as I am speaking about retirement, I must mention a woman who is not with us as we are debating and navigating this Energy Policy Modernization Act. That woman is a friend and an incredible professional who headed up the Energy and Natural Resources Committee for me for the majority of the past several years. After 25 years in the Senate, Karen Billups has said: I am moving on to more excitement, moving on to spend that time with a young son that she has.

Karen is an individual with an incredible reputation, incredible integrity, and a graciousness that will be long remembered on this floor and around this body. She first joined the Energy and Natural Resources Committee back in 1995. Before that, she had served with distinction at the Department of Energy during the first Bush administration. She was in private law practice, and she was also on the staff of the House Committee on Energy and Commerce. She has had a breadth of experience on the private side, within the Executive branch, in the House and then, of course, in the Senate. After joining the committee again in 1995, Karen served as counsel and then she came on as senior counsel.

I think it is worth noting that Karen has worked through—or perhaps lived through—two Murkowskis because when my father was the chairman of the Energy and Natural Resources Committee, Karen Billups worked for him. And when I came to the Senate and had Karen at the helm working as counsel, I have to tell you it was extraordinarily reassuring. In those early years, she focused on a whole host of different issues that face our Nation, from energy to civilian and defense nuclear waste. She was also the troubleshooter. She mentored our younger committee staff and ensured that Members and senior staff were all in alignment and that the direction was clear. Again, this was with a focus that was firm but yet very appreciative of the different dimensions she had to deal with. She is a woman who was able to navigate with a level of finesse. She is a woman who is able to navigate with finesse.

After service in the private sector, Karen came back as deputy chief counsel in 2003, and I was very grateful when she accepted a promotion to be my chief counsel in 2009. Then in 2013 she agreed to step up to serve as my staff director and had been in that capacity until we concluded the end of 2015.

I think it is so important to acknowledge what Karen not only lent to the committee, to me, to my office, but also to the many on the floor who worked with her on energy issues. Karen set a standard for excellence and achievement, and she worked tirelessly—truly tirelessly—to improve our policies to upgrade and to improve our Nation's energy resource, lands, and forestry policies. You might say she was a policy wonk, but you didn't get that impression from her because she did it with a genuineness and a passion that clearly showed.

Karen steered a wide range of legislation into law, everything from boundary adjustments, to helping the economies of small western towns, to the landmark Energy Policy Act of 2005. Then as we wrapped up last year, she was able to pull together the end-of-year omnibus with the energy pieces that we had attached to that, the Transportation bill that had an energy title that had come over from the House side, and tax extenders. She worked in a way that was quiet and amenable but, again, firm and effective. In many ways her work continues today through this bipartisan Energy bill and the other legislation she guided to introduction. What we are seeing

today has been done with the assistance—the mastermind, if you will—of Karen Billups.

As the ranking member and now chairman of the committee, I depended daily on Karen's thoughtful leadership, her patient counsel, and her wise judgment. I mean it when I say she was not only a trusted advisor but deeply skilled and motivated by the best traditions of service to the Senate and to the Nation on every issue that came before the committee. She had an understanding of the operations of this body.

I know those who work the floor appreciated Karen's evenhanded skills. She helped point the way with a strategic vision for policy and oversight. I think she is probably one of the best lawyers I have ever met. Again, she was not just a leader for the staff, she was a mentor for them. She was an advocate for them. That is very telling of true leadership.

Karen's service to the Senate was marked not by length but by distinction and by grace. She has truly earned the tremendous respect that she enjoys here and all throughout our Nation's Capital. Her legacy speaks for itself—a stronger energy policy that benefits every American and an Energy and Natural Resources Committee that continues to work together to tackle our toughest challenges.

For all of these reasons and so many more, Karen truly stands out in my mind not only as a leader but as a real friend. As she embarks on this very well-deserved retirement, she knows that I wish her, her family, her husband Ray, and her great son Davis all the best as she goes off to her new endeavor. I wanted to take a moment to acknowledge the good work of a great lady who has helped shepherd this bill we have before us.

Mr. President, I notice that we have a couple of Members on the floor who I am assuming would like to speak to the Energy bill before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I wish to start by congratulating the chair of the Energy and Natural Resources Committee, the senior Senator from Alaska, for her leadership on this bill and so many other issues. She is a testament to how the Senate should operate. She is a testament to the tradition of bipartisanship that characterizes this body when it is behaving properly. I thank her and congratulate her for her leadership on this issue and many others.

I also thank the ranking member, Senator CANTWELL from Washington State, for her leadership on this and many other issues. They have formed a good and productive partnership.

Our energy system is undergoing a fundamental transformation. In the last 8 years, wind power capacity has grown by more than 400 percent, and solar capacity has grown by more than 2,500 percent. In 2015, wind and solar comprised 61 percent of new generation capacity. Last year in the United States, by far the majority of new generation was clean energy. So what has happened is that the clean energy revolution is no longer aspirational. It is no longer something people put in a bullet point in their campaign brochure or as a talking point in a debate. It is actually happening. It is actually real, and it is across the country. We drive more hybrids and electric vehicles and increasingly use efficient appliances and manufacturing equipment. We have made incredible progress in driving down the costs of clean energy, but we cannot let this progress stall out. We need to modernize our infrastructure in order to integrate greater amounts of renewable energy and save money for consumers through energy efficiency.

This bill is a positive step in transitioning our energy system from the 19th and 20th centuries into the 21st. There are a number of provisions that are worth highlighting.

First, the bill proposes $500 million in research and development for grid-scale storage. This will allow us to use even more electricity from renewable sources. There is no doubt we are going to continue to need baseload power, but the assumptions about the percentage of baseload power that we need in order to have good power quality across our grids are changing. For instance, in the State of Hawaii the basic assumption was that you couldn't have more than about 15 percent of penetration of intermittent renewable energy. Well, we now have parts of our grid that are 35 percent, 45 percent, renewable energy. So the old assumptions are being thrown out the window, but no doubt we are going to continue to need to have Federal research and private sector research into this question of how much intermittent renewable energy a grid can accommodate without sacrificing power quality. This $500 million investment is going to be a big help toward that.

This bill will also continue investments in grid modernization that will help to smooth the integration of distributed renewable generation. This will make a real difference in improving reliability while reducing individuals' reliance on fossil fuels.

This bill would also permanently reauthorize the Land and Water Conservation Fund. This is not just the most successful conservation program in our Nation's history—and that would be a good enough reason to permanently reauthorize it—it is also an economic driver, returning $4 in economic value for every $1 invested.

AMENDMENT NO. 2965

Last, but certainly not least, this bill increases funding for energy research and development at the Advanced Research Projects Agency-Energy, which is desperately needed because only the Federal Government can undertake the kind of high-risk, high-reward research that will allow us to maintain our economic dominance in this space.

But I think we must do more on energy innovation, so I have offered an amendment to increase the authorization for ARPA-E above and beyond what is in this bill. Specifically, the amendment sets forth authorization levels as follows: $325 million for fiscal years 2016 to 2018 and $375 million per year for fiscal years 2019 through 2020.

This is a relatively modest increase of just $113 million over 4 years. It is important to remember that ARPA-E was the brainchild of a National Academies report which recommended to Congress that they establish an ARPA-E within the U.S. Department of Energy, modeled after a very successful program in the Department of Defense called DARPA. The agency was credited with such innovations as GPS, the stealth fighter, and computer networking.

In 2007, Congress passed and President George W. Bush signed into law the America COMPETES Act, which officially authorized the creation ARPA-E. In 2009, Congress appropriated and President Obama allocated $400 million to the new agency, which funded ARPA-E's first projects.

In the years since, despite bipartisan support, ARPA-E has not received more than the $280 million in funding. Yet this agency has had incredible success with even this modest amount of funding. For example, ARPA-E awardees have developed a 1-megawatt silicon carbide transistor the size of a fingernail and engineered microbes that use hydrogen and carbon dioxide to make liquid transportation fuel. They invest in pioneering research that is groundbreaking, transformative, and amazing. Think about what they could do with just a little more money.

Innovation in advanced energy technologies can be a significant part of the solution to any number of challenges: increasing the reliability of our grid, lowering our electricity rates, hardening our energy infrastructure against cyber attacks, and many others. ARPA-E is helping to fund projects at the cutting edge of all of these challenges—and more.

I encourage my colleagues on both sides of the aisle to continue to support ARPA-E and to vote for this amendment and to support the underlying bill, which is an important step to paving the way to a revolution in the way in which we produce and consume energy in the United States.

Mr. President, I ask unanimous consent that all time during the quorum calls be equally charged to each side.

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

Mr. SCHATZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. ISAKSON. Mr. President, I rise to praise the ranking member and the chairman of the committee on the great job they have done on this legislation. I have worked for years with Senator MURKOWSKI. She is a real trooper and has done a great job for our country and for her State of Alaska. Senator CANTWELL of Washington is the same. I am pleased to work with them on this particular legislation, which I support today.

I am rising to talk for a minute about an amendment Senator BENNET of Colorado and I will be offering to the bill at the appropriate time called the SAVE Act.

The SAVE Act is a way to encourage people to finance and include in the purchase of a new home the right types of energy efficiency additions to that home, which will lower the cost of energy to the home, improve the rate of consumption of energy in the home, and make it easier for people to afford energy-saving R-factors for insulation, Thermopane for doors and windows, and other treatments they need to reduce costs.

I spent 33 years in residential real estate. I don't know much about anything, but I know a lot about people buying houses and about housing laws and about financing, and I know this: For the entry-level borrower—and this addresses only FHA loans—the most important thing to have the right type of energy efficiency is to be able to afford it, and the best way to be able to afford it is to be able to finance it. If you don't allow the incorporation of the value of the additional cost of the additional R-factor for insulation or Thermopane factor for windows and doors, then people don't end up choosing energy efficiency; they choose less efficient houses which last for 30 or 40 years and burn more energy in their lifetime than they would have if we had not had a way to incentivize people to incorporate energy efficiency into the purchase of their new home.

So my story is very simple. We are here today to encourage energy efficiency, encourage savings on energy, and encourage people to focus on energy, to be a more energy-independent country. The best way to do that is to make sure we take the mechanisms of purchase—being the FHA loan in this case—and incorporate and consider for financial value purposes, for the appraisal and for the loan-to-value ratio and for qualification purposes, the savings of the R-factor improvements, Thermopane improvements, and other energy efficiency improvements put in.

At the appropriate time—sometime today—I will ask the chairman to recognize me to set aside the pending amendment and make this amendment pending, but until that time, I wanted to come to the floor to let Members know we have an outstanding piece of legislation which scores at zero in terms of costs, applies only to FHA loans, encourages energy efficiency, and allows people to afford to build it into the financing of the purchase of a house. It is a win-win-win. I am proud to work with Senator BENNET on this legislation.

I appreciate being recognized by the Chair.

Mr. President, I yield to the minority whip.

The PRESIDING OFFICER. The assistant Democratic whip.

FOR-PROFIT COLLEGES AND UNIVERSITIES

Mr. DURBIN. Mr. President, I rise today to speak to two separate issues. First, I wish to speak to the issue of for-profit colleges and universities.

Yesterday another for-profit college was accused by a Federal agency of misleading and deceiving students. The Federal Trade Commission announced it filed suit against DeVry University for advertisements that deceived consumers about the likelihood that students would find jobs and earn money after they graduated from DeVry.

DeVry's commercials and advertisements date back to at least 2008—about 9 years that they have been claiming that ''since 1975, 90% of DeVry graduates system-wide in the active job market held positions in their fields of study within 6 months of graduation.'' Starting in 2013, they also claimed that DeVry graduates ''had 15 percent higher incomes one year after graduation on average than graduates of all other colleges and universities.''

The Department of Education started investigating these claims in August of last year. After asking DeVry for proof of their statements in these ads, the Department announced yesterday that the company was ''unable to substantiate the truthfulness of those representations, as is required by federal law.'' As such, the Department of Education ordered DeVry to stop making these false claims and required DeVry's future claims related to employability and income to be verified by an independent monitor. At the same time, it appears the Department will allow DeVry to continue to participate in Federal title IV programs—receiving taxpayer dollars and enrolling new students. How much Federal funding does DeVry receive? In 2013 and 2014, DeVry Education Group, brought in more than $1 billion in taxpayer funding through title IV.

The company's president, Daniel Hamburger, received $5.7 million in total compensation in 2014—$5.7 million. If we compare the salary this president took from DeVry University—which receives the lion's share of all of its funds from the Federal Government—we will find he is compensated dramatically more than college presidents across the United States. The president of the University of Illinois—a major flagship institution and research university—makes a base salary in the neighborhood of $600,000. By comparison, DeVry's president, Daniel Hamburger, received $5.7 million in total compensation thanks to the taxpayers and students.

Meanwhile, according to a recent study by Brookings, DeVry students cumulatively owe more than $8.3 billion in federal student loan debt. It is no wonder considering the average cost of an associate's degree—a 2-year degree—at DeVry is about $40,000. In 2009, DeVry's 5-year cohort default rate on student loans was 43 percent. That means that of the students who left DeVry in the year 2009, 43 percent—almost half of them—had defaulted within 5 years of leaving DeVry. I have said it before of Corinthian—a for-profit school that went out of business—and I will say it now of DeVry: Students shouldn't be left holding the bag for the misdeeds of these private, profit-making corporations that are skimming so much money from the taxpayers.

The Department of Education has found that DeVry's claims could not be substantiated as required by Federal law.

The Federal Trade Commission is also suing DeVry over claims of misleading students and consumers. Students who were harmed should be eligible for expedited Federal student loan relief through defense to repayment. But let me remind those who are following this debate: Follow the money. Taxpayers across America pay their taxes. The money goes into the Federal Treasury, and then the money goes—through the Treasury and through Pell grants and student loans—to students and their families, to these private, for-profit colleges and universities. The private, for-profit colleges and universities, such as DeVry, deceive and mislead the students about the value of their education and whether they will get a job after they graduate. The students end up wasting their time and their money because they end up with a huge student debt when it is all over. And what happens? They default on their debt, which means the taxpayers don't see the money going back to the Treasury, which we hope for, or in some cases the schools—like Corinthian—fail, and as a result the students are relieved of their debt obligations—as they should be, so the taxpayers again are the ultimate losers.

The for-profit colleges and universities of the United States of America are the most heavily subsidized private sector businesses in our country—not a defense contractor or a farm operation; for-profit colleges and universities.

The DeVry news follows a particularly bad year for this industry. In 2015 more misconduct and schemes were exposed when it came to for-profit colleges and universities than ever before. Enrollment across the industry is declining, as students and their parents finally realize that many of these schools are just bad news. State and Federal regulators are shining a light on the illegal tactics of the for-profit college and university industry. Stock prices for these private, for-profit corporations are plummeting because investors realize that exploiting these students, misleading these students, and swindling taxpayers is not a sustainable business model.

Years of bad behavior are catching up with for-profit colleges and universities, and it shows in how for-profit education companies are closing their schools across the country. Even in my home state of Illinois, we have seen dramatic changes over the last year. It started with the collapse of Corinthian. This company was inflating its job-placement rates to lure in new students, defrauding the students, their families, and taxpayers, and lying to the accrediting agencies and Federal Government. When Corinthian collapsed, more than 70,000 students were left in the lurch, many with more debt than they could possibly repay and a Corinthian education that turned out to be virtually worthless.

In Illinois, the campuses Corinthian operated as Everest College in the villages and towns of Bedford Park, Burr Ridge, Melrose Park, Merrionette Park, and Skokie were then sold to ECMC. ECMC was a new creation. This company that created this new not-for-profit, in name at least, college, incidentally, is a major debt collector for the U.S. Department of Education and had no previous experience running an educational enterprise. What qualified them to start a college, I don't know. Unfortunately, ECMC maintained much of the old Corinthian leadership and maintained practices to keep students from suing them for misconduct. After the Illinois Board of Higher Education pushed them on some of these issues, ECMC decided to teach-out its newly acquired campuses in Illinois and leave the State, thank goodness.

Then there is Westwood. Illinois attorney general Lisa Madigan—whom I respect very much—sued Westwood College for engaging in deceptive practices. Attorney General Madigan's suit focused specifically on Westwood's criminal justice program. In order to lure students into the program, this private, for-profit college, Westwood, convinced the students they could get jobs with the Chicago Police Department or the Illinois State Police if they would just hang on and get a degree from Westwood. What happened when the students graduated and took their degrees and diplomas to employers and applied for a job? The employers laughed at them. They didn't recognize a Westwood degree.

In November, Attorney General Madigan reached a settlement with Westwood. It agreed to forgive $15 million in private student loans for Illinois students—private loans, not federal loans. Shortly thereafter, Westwood announced it would stop enrolling students and end operations at its campuses nationwide, including the four it operates in the Chicagoland area. Thank goodness and good riddance to Westwood.

Also in 2015, Career Education Corporation, which is another for-profit college, announced it would close its brands Sanford Brown, Harrington College of Design, and Le Cordon Bleu, all of which had campuses in Illinois. Thank goodness and good riddance. In Chicago, an associate's degree in culinary art at Le Cordon Bleu would have cost $42,000, and students had a one-in-five chance of defaulting on any loans they took out for that associate's degree. If the students walked a few blocks away to Chicago City Colleges' Kennedy King Campus, in comparison, they could have received the same degree not for $42,000 but for $7,000. And the likelihood of defaulting on student loans at City Colleges is not 1 in 5, as it was at Le Cordon Bleu, it is 1 in 20.

Harrington—I have talked about them before. Harrington College of Design exploited Hannah Moore, a young woman from Chicago whom I have come to know. She got her degree at Harrington after transferring from a community college. She couldn't find a job in her field with her Harrington degree. It turned out to be worthless. What did it cost her to get the degree, this for-profit college degree that Harrington heavily marketed? Hannah paid $125,000. She still carries that debt to this day, and it is growing. She can't pay it off fast enough, and it has ballooned to $150,000. This poor young woman. Her life is compromised because of the exploitation of her ambition to do something important in life. She had to live in her parents' basement. Her dad came out of retirement to try to help his daughter pay off her students loans because, you see, the loans that are taken out to go to any institution of higher education are not like money borrowed for a car or a home; these student loans are not dischargeable in bankruptcy. What does that mean? You are going to carry them to the grave.

Many student loan debts that are in default are being collected in the most unusual places. Grandmothers who helped their granddaughters by co-signing their loan for college—when the granddaughter defaults, it is the grandmother and in some cases her Social Security payments that are withheld to pay off these student loans. These loans will haunt these students, many of them for a lifetime, particularly if they have gone to these for-profit schools.

Finally, even though it is not in Illinois, I want to mention Ashford University. On a campus in Clinton, IA, just across the Mississippi River, Ashford has shown itself to be one of the worst actors in the for-profit college industry.

A Bloomberg News story told of James Long, who suffered a brain injury when he was in service to his country in the Army, driving a humvee in Iraq that was attacked. An Ashford recruiter went after James Long and got him to sign up to use his military education benefits to enroll in classes that this individual, sadly, could not even remember because of the traumatic brain injury he had suffered.

In 2014, Iowa attorney general Tom Miller announced a $7.25 million settlement with Ashford University. Miller accused the school of violating Iowa's Consumer Fraud Act after the Iowa attorney general received multiple complaints filed by current and former Ashford students. This included complaints that this for-profit school misled students to believe that an online Ashford education degree would allow students to become classroom teachers with no further certification.

I remember Ashford because our former colleague, Senator Tom Harkin of Iowa, held a hearing and talked about how Ashford bought what was a small Catholic college, took on their accreditation, and started peddling the for-profit education that was worthless. Do you know what the faculty of Ashford University consisted of at that time? One faculty member for every 500 students. Do you know what the people who were running this scam operation were paid? Millions—millions of dollars of taxpayers' money. The investigation found that Ashford recruiters, in addition, misled prospective students, used high-pressure sales tactics, and failed to disclose information about the cost and likelihood of obtaining a degree.

In 2015, Ashford announced it was going to close its Clinton, IA, campus—thank goodness and good riddance. It is for the students who could have been exploited by these companies that I say this: It is time for us to stand up as a Congress and Federal Government and put an end to this insidious scam of students, their families, and the taxpayers.

Thousands of students in Illinois and all across the Nation have been lured into attending these for-profit schools with lies or deception. Don't take this Senator's word for it. Take a look at the litany of schools that are under investigation by State and local authorities for fraud. Many students, such as Hannah, have so much debt that their lives and futures are compromised.

Over the last year, I have joined several of my Senate colleagues to push the Department of Education to provide Federal student loan debt relief to students who have been taken advantage of by the for-profit colleges. We have an obligation here. To think that we are shoveling $25 billion into these for-profit schools every single year without asking the hard questions about whether taxpayers' dollars and student debt is justified by the results. Shame on us—we can do so much better. The numbers tell the story. Ten percent, or 1 out of 10, of college students in this country attend for-profit colleges and universities, and 20 percent of all the Federal aid to education, or $25 billion, goes to these for-profit colleges and universities. In spite of it only accounting for 10 percent of college students, these for-profit colleges and universities account for over 40 percent of student loan defaults. They charge too much, their diplomas are worth too little, and these students suffer as a result.

What is our obligation here? Is this a ''buyer beware'' situation when it

comes to the students and their families or is it a situation where ''Congress beware'' if we aren't more sensitive to the fact that we are propping up an industry that is exploiting these students and taxpayers.

With the closure of these campuses in Illinois and several of these companies moving out of the State all together, the educational landscape is a little safer for the thousands of Illinoisans trying to do the right thing—to get an education for themselves and their families. There is a sensible alternative in virtually every city and town in America—community colleges, city colleges. They are affordable, and in most cases the credits are transferrable to major universities and students don't incur the kind of debt that can compromise their lives for years and years to come.

I have spoken on the floor many times about these for-profit colleges and universities. In one respect it is a fairly easy issue and easy topic. They need to be held accountable, as DeVry is being held accountable by the Department of Education and the Federal Trade Commission for their misconduct.

Now the question is this: Will the Congress step up to its responsibility to clean up this situation?

Mr. President, the Senate is currently considering a bipartisan energy bill that will help put our country on a pathway to build a 21st century economy. It contains several important provisions to develop domestic clean energy resources, and I look forward to working with my colleagues through the amendment process to strengthen it.

I wish to congratulate Senator LISA MURKOWSKI, a Republican from Alaska, and Senator MARIA CANTWELL, a Democrat from the State of Washington—the chair and ranking member of the Energy and Natural Resources Committee—and applaud them for their effort and thank them for bringing this bipartisan measure to the floor.

The Energy Policy Modernization Act is a result of the committee's multiple hearings on over 100 individual bills. If passed, it will be the first major energy bill approved by Congress in 9 years.

A lot has changed in 9 years. The United States has dramatically increased natural gas and oil production. Renewable energy production has skyrocketed and the cost of this has decreased. More Americans are using it. We are also finding new and better ways to address our most pressing energy and climate change challenges.

The bill before us takes those new developments into account and updates our policies. The act strengthens energy efficiency measures for Federal buildings and multifamily homes and reauthorizes important programs such as weatherization and energy. In Illinois, that means tens of thousands low-income and elderly households will be able to receive critical upgrades that will make their homes more efficient, allowing them to spend less money to keep their homes cool and warm. It will also help maintain Illinois' leadership as the top State for LEED-certified buildings as ranked by the U.S. Green Building Council.

The bill encourages the development of new energy resources such as geothermal and hydropower and better ways to store carbon dioxide, which will help us address the challenge of climate change. Most importantly, the bill makes a substantial commitment to supporting basic science research and innovation at universities and the Department of Energy's laboratories. The Energy Policy Modernization Act authorizes 4-percent annual budget increases for the DOE Office of Science and the Advanced Research Projects Agency.

As cochair of the Senate National Laboratory Caucus, I strongly support these increases at DOE's Office of Science because I know it will lead to new breakthrough scientific discoveries that will keep America competitive.

Since their creation in the 1940s, the national labs have really done some amazing things on energy innovation, scientific discovery, and national security. In Illinois, both Argonne and Fermi serve as a meeting place for the world's best researchers. The work conducted at their labs leads to advances in alternative-fuel vehicles and improvements in energy efficiency. Universities from across the country use the labs to conduct research and train others. That is why earlier this year I introduced a bill, the American Innovation Act, to provide 5-percent real growth to DOE's Office of Science.

I hope to offer an amendment on the floor. A 4-percent annual increase when it comes to the Office of Science in the Department of Energy, for example, is good, but that is not 4 percent over inflation. If inflation is running at 2 percent, it is merely a 2-percent real increase in research. I think we ought to err on the side of investing more into research. I think we should have 5-percent real growth in investment in the National Institutes of Health, the Centers for Disease Control and Prevention, the Department of Defense medical research, and the Veterans Administration medical research. Then when it comes to this side of the ledger, such as innovations, let's include the Office of Science and many other key agencies.

I visited the Department of Energy a few months ago, and I had breakfast with Ernest Moniz, who is the Secretary. I talked to him about biomedical research, and he said: There is something I need to share with you. The Office of Science in the Department of Energy is developing the technology for imaging the brain so we can detect early indications of Alzheimer's. Currently, unfortunately, the only way to really say that a person is suffering from Alzheimer's with any objective assurance is through an autopsy. If we can—through imaging devices, while a person is still alive and before they have really started to decline—detect and work on stopping the progress of Alzheimer's, it would be an amazing achievement.

Once every 67 seconds in America someone is diagnosed with Alzheimer's. I challenged my staff when they told me that, and they were right. Almost every single minute a person is diagnosed with Alzheimer's.

Last year, in Federal funds, we spent in Medicare and Medicaid $200 billion on Alzheimer's patients. Imagine what was spent in the private sector, and imagine the kind of sacrifices and the spending that were made by families trying to maintain the care of a family member stricken with Alzheimer's.

So putting a little extra money into biomedical research, or in this case research at the Office of Science, is money well invested. If we can slow down the progress of Alzheimer's and find a way to delay it—even months—it will pay back this investment over and over. God willing, if we find a cure, it will justify every penny we put into this research.

I will offer an amendment, and what I am asking is basic. I am asking for authorization for 5-percent real growth that is over inflation. I think that is the least we can do, but I think it will be a significant commitment and substantially more than is currently in the bill.

The work at these labs has led to amazing advances, and I think there is more ahead of us. In addition to supporting basic science research, the act before us directs the Department of Education to build a research program to develop the next generation of computers—1,000 times faster than our current supercomputers. Is it possible? I believe it is. I am not an expert in this field, but you have to step back and say that it is amazing when they tell us that the cellphones we carry around have more computing power than the early computers that Steve Jobs and others brought to market.

Currently, companies around the world use supercomputers to solve problems and answer important questions. Boeing and Cummins have both used DOE supercomputers to design better airplanes and trucks and use less energy so that they burn fuel more efficiently. This has led China, South Korea, and Europe to get into the competition. They are in the race, too, for the next generation of supercomputers. I want America to win that race. The bill before us, with its investment and research, can make a difference. The government should invest in these labs and in research to create jobs and competitive businesses. This bipartisan energy bill can achieve that and lead this country to a brighter future with greater energy resources that have a lighter impact on the environment and build a stronger economy. Because the energy choices we make now will determine the future of our children and

grandchildren, we ought to be serious about it. We ought to make the investments for a sustainable planet and a promising, bright future.

I hope my colleagues will work together to improve this bill and help us create a 21st century energy economy.

I yield the floor.

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

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

Mr. GARDNER. Mr. President, I ask unanimous consent to speak as in morning business.

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

NORTH KOREA SANCTIONS AND POLICY ENHANCEMENT ACT

Mr. GARDNER. Mr. President, we just left the Senate Foreign Relations Committee, as the Presiding Officer knows as a member of the Foreign Relation Committee, where we passed, with overwhelming bipartisan support, legislation to increase our sanctions against the rogue regime in North Korea.

About a year ago I had a conversation with Senator CORKER, the chairman of the Senate Foreign Relations Committee, about the need for the legislation. We both agreed that North Korea poses a serious and growing threat to its neighbors, to the U.S. homeland, and to global security. We agreed we could not continue to ignore the forgotten maniac—the forgotten maniac who is Kim Jong Un.

This past August I had an opportunity to visit with South Korea personally to meet with the President of South Korea, Mr. Park, and we agreed that the status quo with regard to North Korea was no longer sustainable and no longer responsible. That is why this past October I introduced S. 2144, the North Korea Sanctions and Policy Enhancement Act. I thank the sponsors of that bill—Senators RUBIO, RISCH, PERDUE, and ISAKSON—for cosponsoring the legislation and the chairman and his staff for their encouragement and invaluable support to make that bill a reality today, along with Senators CARDIN and MENENDEZ, who worked so hard, and the work Senator MENENDEZ has been leading over the past year as well. This is a bipartisan product that came out of the committee. As the chairman announced today, we will most likely see floor time in just a couple of weeks.

On January 6, 2016, our worst fears were realized when North Korea conducted its fourth nuclear test. Moreover, North Korea has claimed this test was a hydrogen bomb, which is a vastly more powerful weapon. Even if the reports out of North Korea are not true that it is not such a weapon, it still represents a significant advancement in North Korea's nuclear weapons capability. We also know North Korea continues to advance its ballistic missile program. News reports recently out of both Japan and in the United States talk about the equipment being moved for a possible additional missile launch.

ADM Bill Gortney, the head of U.S. Northern Command based at Peterson Air Force Base in Colorado Springs, CO, has publicly stated on several occasions that North Korea may have already developed the ability to miniaturize a nuclear warhead, to mount it on their own intercontinental ballistic missile called the KN–08, and to ''shoot it at the homeland.'' Admiral Gortney reiterated those fears to me privately in our conversations numerous times as well, including his feeling—his concern—that the condition of the peninsula is perhaps at its most unstable point that it has been since the armistice.

North Korea continues to grossly abuse the rights of their own people. There are up to 200,000 men, women, and children in North Korea's vast prison systems. In fact, the United Nations Commission of Inquiry in 2014 found that North Korea's actions constituted a crime against humanity.

We have seen North Korea's cyber capabilities grow into an asymmetrical threat that they have utilized against its neighbors, South Korea and Japan, as well as the United States, as we all recall after the Sony Pictures hack in November of 2014. According to a November 2015 report by the Center for Strategic and International Studies, North Korea is emerging as a significant actor in cyber space with both its military and clandestine organizations gaining the ability to conduct cyber operations.

All of these developments represent a failure of U.S. policy of strategic patience toward North Korea. That is why this bill out of committee, with the strong bipartisan support that it received today, represents a final change in that failed policy. It allows us to change course and, in just a couple of weeks, we can put that legislation into effect.

The House of Representatives, as we know, passed 418-to-2 their own version of a bill sanctioning North Korea just a few weeks ago, and I thank the chairman for moving forward on our very strong substitute amendment today.

The Gardner-Menendez substitute before us today represents a slightly modified version of S. 2144. In particular, this legislation mandates—not simply authorizes, it mandates—the President to impose sanctions against persons who materially contribute to North Korea's nuclear and ballistic missile development; import luxury goods into North Korea; enable its censorship and human rights abuses; engage in money laundering or manufacturing of counterfeit goods and narcotics trafficking; engaging in activities undermining cyber security; have sold, supplied or transferred to or from North Korea precious metals or raw metals, including aluminum, steel, and coal for the benefit of North Korea's regime and its illicit activities.

These are mandatory sanctions. It is a dramatic new direction from the discretionary sanctions of today. I would note that these mandatory sanctions on North Korea's cyber activities and mandatory sanctions on the minerals are unique to the Senate legislation.

This bill also codifies Executive Order Nos. 13687 and 13694, regarding cyber security as they apply to North Korea, which were enacted last year in the wake of the Sony Pictures hack and other cyber incidents. This is also a unique feature of the Senate bill, the Gardner-Menendez substitute amendment.

Lastly, the mandatory sanctions on cyber violators will break new ground for Congress if enacted and signed into law, perhaps providing precedent for future cyber violations around the globe.

We need to look for every way to deprive Pyongyang of income to build its weapons program, strengthen its cyber capabilities, and continue the abuse of its own people. We must stop this regime's abuse, and we must also send a strong message to China, North Korea's diplomatic protector and largest trading partner, that the United States will use every economic tool at its disposal to stop the forgotten maniac.

I urge my colleagues to support this legislation when it moves to the floor. I congratulate Senator CORKER and Senator MENENDEZ for coming together with a bipartisan solution today so this body and the House of Representatives can pass this legislation and put it on the President's desk to be signed into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I congratulate the Senator from Colorado for moving his amendment forward.

I am here on a different subject, which is to discuss an amendment that I submitted with Senator ISAKSON concerning residential energy efficiency. The so-called SAVE Act has always been thoroughly bipartisan, drawing the support of Senators ISAKSON, TOOMEY, MORAN, PORTMAN, BOXER, and others, and attracted support from groups all across the political spectrum from the U.S. Chamber of Commerce all the way to the Sierra Club.

Our amendment would allow for a home's energy efficiency to be considered when a borrower is applying for a loan by making a simple change to home underwriting and appraisal standards. Specifically, when you apply for a mortgage, you can request under this legislation an energy audit, and if you have a loan that is backed by the FHA, the energy efficiency of your home and your energy bills will be taken into account by your mortgage

lender. Without this change, even though homeowners spend more on energy costs than taxes or home insurance, the amount you pay each month for energy is not taken into account.

This amendment isn't a mandate. It doesn't require anything. It simply allows mortgage lenders to account for energy costs in the same way they account for taxes and insurance. It makes no sense that cosmetic improvements like new countertops increase a house's value, but an energy-efficient furnace, which will actually save homeowners thousands of dollars, does not.

This amendment will create thousands of jobs in manufacturing, construction, and energy efficiency. It will save homeowners money on their energy bills, and it will decrease foreclosure risk. It will increase the energy efficiency of our homes. It does all this by giving consumers a choice they don't today have.

I have heard from builders all across Colorado who support this amendment—people like Gene Myers, who is the CEO and founder of Thrive Home Builders. He has built more than 1,000 energy-efficient homes in the Denver area, but he understands we will not fully attain the benefits of efficiency in the market until we properly value it.

For these reasons, a large and diverse coalition supports this amendment, including the National Association of Manufacturers, the National Association of Home Builders, the U.S. Chamber of Commerce, and the U.S. Defense Council, among others.

I urge my colleagues to support this bipartisan and commonsense amendment to improve energy efficiency and create American jobs. I thank the Senator from Georgia, Mr. ISAKSON, for his leadership and his sponsorship of this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to speak about the Energy Policy Modernization Act of 2015—legislation that has been advanced by our Energy and Natural Resources Committee chairman, Senator MURKOWSKI, along with the ranking member, Senator CANTWELL. As a member of the committee, I appreciate their leadership on this important issue and this legislation we are now considering on the floor.

I think Chairwoman MURKOWSKI is right when she speaks to the need to update our Nation's energy policy and, in that spirit, I filed several amendments designed to advance our Nation's energy policy in key areas. Today I wish to speak briefly about these three amendments. These amendments would help provide regulatory certainty for cross-border infrastructure projects, the regulation and recycling of coal ash, and reaffirm State primacy for energy development, particularly when it comes to hydraulic fracturing or fracking.

First, let me talk about the North American energy infrastructure amendment. One of the necessary components to leveraging our abundant energy resources and strengthening our energy security involves building the infrastructure to take energy from where it is produced to where it is consumed. Whether it is transporting crude oil or natural gas or modernizing and connecting our electric grid, these projects require long-term planning and investment, as well as a regulatory environment that promotes certainty and transparency, as well as impartial review.

That is why I have submitted an amendment which is identical to the North American Energy Infrastructure Act—S. 1228—that would modernize the existing Department of Energy Presidential permitting process for cross-border infrastructure projects.

This amendment, which is cosponsored by Senator DONNELLY of Indiana—it is a bipartisan measure—removes the need for a Presidential permit for the construction, operation or maintenance of a new oil or natural gas pipeline or electric transmission facility with Canada or Mexico and instead places the process in the proper Federal agencies.

While it does not alter the NEPA—again, I will repeat this. While it does not alter NEPA's—the National Environmental Policy Act—environmental review process, our amendment sets time limits for Federal agencies to make a decision on projects once those necessary reviews are completed. This will add greater certainty to the permitting process, and that certainty will help attract the long-term investment necessary to help us build the energy infrastructure we need.

These projects are too important to our economy and to our national security to be dragged out virtually for years, such as in the case of the Keystone XL Pipeline—more than 7 years. We need a process that is fact-based, transparent, consistent, and nonpartisan, that will help support the important energy relationship between the United States and our closest friend and ally—Canada.

The Energy Department publicly states that it requires approximately 6 to 18 months to issue a Presidential permit. However, there are numerous examples of pipelines and electric transmission applications languishing far beyond that timeline. The many inconsistencies involving these applications speak to the need to update this permitting process.

So let's start with crude oil pipelines. Take, for example, the bureaucratic delays for the Plains All American Pipeline, which secured a Presidential permit from the U.S. State Department for its crude oil pipeline in 2007. In February of 2013, the company sought a name change permit from the State Department. However, it took until August of 2015—2½ years—before a name change was approved.

The State Department informed the company that its application for a name change required a new National Environmental Policy Act—or NEPA—review because a separate pipeline, the Bakken North, based wholly within the United States, would connect to it. So to change the name, they had to do a NEPA review for 2½ years.

Electric transmission lines. There have also been many delays in siting electric transmission lines between the United States and Canada, and in a lot of cases that is for renewable energy. One example is the New England Clean Power Link, a 1,000-megawatt project delivering renewable energy spanning 154 miles between Vermont and Quebec. The company filed its application for a Presidential permit in May of 2014. Yet its application has been pending for over 20 months for a renewable energy electric transmission line.

Another example is the Great Northern Transmission Line, a 220-mile project that would connect Minnesota and Manitoba, bringing hydroelectricity and wind power across the border. The project's Presidential application was filed in April of 2014. While the review is ongoing and we hope an outcome will come soon, this application has been pending for almost 2 years.

The third example is the Champlain Hudson Power Express project, a 333-mile underground and underwater project. It will bring 1,000 megawatts of hydroelectric power from Quebec to the New York City area. The application for a Presidential permit was initially filed in January 2010; yet it took almost 5 years—until October 2014—for the Presidential permit to be issued.

Inconsistent delays in the Federal review timelines, which last longer than the Energy Department's 6- to 18-month target—the target is 6 to 18 months, not 5 to 7 years—inject uncertainty, risk, and costs into all of these vital projects.

Commonsense reforms are needed so the project proponents and consumers can benefit. This is exactly what this legislation does. Specifically, this amendment would eliminate the Presidential permit requirement for construction or modification of new oil and natural gas pipelines, as well as electric transmission facilities, that cross the national boundary of the United States. Instead, it places the process in the proper agencies.

It would require that the certificate of crossing will be issued by the Secretary of State for oil pipelines, the Energy Department for electric transmission lines, and FERC and the Energy Department for cross-border natural gas pipelines, as currently configured.

It requires the State Department to issue a certificate of crossing on a cross-border pipeline permit within 120 days upon completion of a NEPA environmental review process. There is the NEPA environmental review process, but then 120 days after that, they have to make a decision and they have to issue a certificate of crossing unless

the agency finds that construction of the cross-border segment is not in the public interest of the United States.

It would retain the NEPA review of the potential environmental impacts of a new project at a border crossing and leaves unchanged all other environmental, land, or wildlife reviews currently applying to any other pipeline constructed in the country. In other words, the States would still oversee the NEPA and permitting processes, as they do now.

It would provide for an open and transparent rulemaking process to determine the definition of ''cross-border segment,'' which would be used to help determine the scope of the NEPA review process. That is because requiring a NEPA review for the entire pipeline project duplicates the multiple Federal, State, and local agencies' regulations, processes, and authorities already in place.

There are numerous existing State and Federal laws and regulations for the review and approval of siting, land acquisition, design, and construction of projects. Those remain unaffected by this amendment. For example—and this is important—State laws and regulations governing pipeline siting remain unchanged by this amendment. Federal laws and regulations governing design, construction, safety, and environmental review of the pipelines remain unchanged. State and local laws and regulations regarding land and rights-of-way acquisition for infrastructure projects, such as pipelines, would remain unchanged. Construction and operation of a pipeline in the United States must comply with the safety regulations of the Pipeline and Hazardous Materials Safety Administration. This is a separate process from the NEPA process and is also unchanged by this amendment.

The measure would provide appropriate authority and scope to the State Department for examination of border-crossing impacts of projects. Other reviews by the Department of Interior, Bureau of Land Management, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers for issues such as environmental, land, and wildlife impacts are appropriate and remain unchanged.

The amendment would require FERC to approve natural gas cross-border pipelines consistent with current policy. It also requires the Energy Department to issue a permit within 30 days of the receipt of the FERC action. Again, these are rational timelines, so there is some consistency and dependability in the process.

Finally, the amendment also specifies that existing projects do not need further approvals for new or revised Presidential permits for certain modifications. These include alterations such as volume expansion, adjustments to maintain flow, or changes in ownership.

This is commonsense legislation that can help us build the vital energy infrastructure we need for this country.

At this point, Mr. President, I would ask how much time I have remaining.

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. HOEVEN. Mr. President, the next amendment I would like to review that I will be offering is identical to a bill introduced by Senator MANCHIN and myself. It is the Improving Coal Combustion Residuals Regulation Act of 2016, S. 2446. This legislation, which builds on our past efforts to find a bicameral, bipartisan approach to coal ash, ensures that there is safe disposal of coal ash and provides greater certainty for its recycling. This is a win from the industry standpoint of more energy, it is more cost-effective, but it is also an environmental win in terms of recycling coal ash, as well as making sure that when it is disposed of, it is done safely.

Coal ash is a byproduct of coal-based electricity generation that has been safely recycled for buildings, roads, bridges, and other infrastructure for years. In fact, I think it is important to take note of the environmental and financial benefits of coal ash recycling. Over 60 million tons of coal ash were beneficially used in 2014, including over 14 million tons in concrete. It has been calculated that taxpayers save $5.2 billion dollars per year thanks to the use of coal ash in federally funded road and bridge construction. Products made with coal ash are often stronger and more durable, and coal ash reduces the need to manufacture cement, which resulted in greenhouse gas emission reductions of 13 million tons in 2014.

In December of 2014, the EPA put forth new regulations for the management of coal ash. The regulations made clear—at least for the time being—that coal ash would continue to be treated and regulated as a nonhazardous waste consistent with EPA's earlier findings. However, the regulation has a major flaw: It relies solely on citizen lawsuits for enforcement. What this means is that neither the EPA nor the States can directly enforce the rules through a permit program with which owners and operators of coal ash disposal facilities must comply. Think about it. That means the regulation does not create the constructive regulatory guidance and oversight necessary to ensure the proper management of coal ash. Instead, the EPA regulation has created a situation whereby the only enforcement mechanism for the rule is that an operator of a coal ash site can be sued for not meeting the EPA's new Federal regulatory standards. Those subject to this regulation whose responsibility it is for keeping the lights on for our electricity consumers are themselves left in the dark about how the EPA standards will be defined in court cases across the Nation. Instead of direct oversight, we will have lawsuits brought by those who want to shut down coal production.

Imagine building an addition to your house and there being no building permit process to go through with your local government. Let's just take this as an analogy. You want to build a house, but there is no building permit process to go through with the local government. You call the city or the county, and they say: Well, you should just read the rules, and if you violate the rules, know that you can be sued at any time by anyone who thinks that maybe you didn't build that addition according to the law. This process would leave you without any sort of assurances that you actually built your addition in accordance with the law. Worse, you would have the threat of litigation hanging over your head. Does that make any sense?

Think about it. You build a house, a nice, beautiful house, in Phoenix, where it is nice and warm in the winter. You can't get a building permit. You build that house according to your interpretation of the regulations, but anybody—it might be your neighbor; it might be somebody who comes down from the great State of North Dakota to enjoy your lovely winter—anybody may decide to sue you, and they would be able to do it. That is how the regulation of coal ash is set up. Come on. It makes no sense at all. That is how it has been done, and that is why we need to fix it.

Our amendment will directly address this problem by taking the best parts of our EPA rule—the standards for coal ash disposal—and incorporating all of them in EPA-approved State permit programs for both recycling and disposal. The States will have direct oversight over disposal sites' design and operation, including inspections, air criteria, run-on and run-off control, closure and postclosure care, and financial assurance. Meanwhile, we offer State regulators the same flexibility for implementing the groundwater monitoring and corrective action standards that are currently provided under existing municipal solid waste and hazardous waste regulations, allowing State regulators to make tailored, site-specific adjustments.

We have been listening to the issues the EPA has brought up about our previous versions of this legislation. In fact, we changed the legislation to include a more traditional EPA application process for the State permit programs. If the EPA finds that a State permit program is deficient——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOEVEN. Mr. President, I ask unanimous consent for 2 minutes to finish my remarks, with the indulgence of the Senator from Massachusetts.

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

Mr. HOEVEN. If the EPA finds a State permit program deficient, then the EPA can take direct control over the State's permit program in that State. If a State doesn't want to have its own permit program, the EPA runs the permit program for the State.

Mr. President, our amendment is about responsible regulation. It is

about certainty for recyclers and for the American public, who will know that State and Federal regulators are actually working with energy producers to ensure safe disposal of coal ash.

I urge my colleagues to support this commonsense, bipartisan approach by voting for the Hoeven-Manchin amendment.

I do have another amendment to speak on, but at this time, due to time constraints, I will defer to the Senator from Massachusetts, and I thank him for his courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

REMEMBERING CHRISTA MCAULIFFE

Mr. MARKEY. Mr. President, I want to take a moment to acknowledge the life of Massachusetts' Christa McAuliffe. She lost her life, along with six other crewmembers, 30 years ago today when the space shuttle Challenger exploded. She was an extraordinary teacher and was selected out of a pool of 11,000 applicants to lead the ultimate field trip as the first teacher in space. Her legacy lives on in many ways but especially at the Christa McAuliffe Center for Education and Teaching Excellence at her alma mater, Framingham State University.

AMENDMENT NO. 2982

Mr. President, the omnibus spending bill that was enacted into law in December lifted the 40-year-old restriction on exporting U.S. oil overseas. During that debate, concerns were raised regarding the impact that exporting American oil abroad could have on U.S. consumers and refining fuel prices, independent refineries, and other sectors of the U.S. economy, such as shipbuilding.

However, the final language that became law did not include any requirement for analyzing and reporting on any potential impacts that exports could have on the industry or on U.S. consumers. The Markey amendment No. 2982 to the Energy bill would create such a review. The amendment would require the GAO to review and report back annually for 3 years on the impacts of crude oil exports on U.S. consumers, independent refineries, shipbuilders, and energy production.

The language of my amendment is language that is bipartisan. The language of my amendment is identical to language included in legislation sponsored by Chairman MURKOWSKI. It is also identical to language included in legislation introduced by other Senators.

Exporting American crude oil could be a disaster for independent refineries in regions such as the east coast. Upwards of 55 percent of our refining capacity on the east coast could potentially close as a result of oil exports.

The Energy Department has said that exports could lead to as much as $9 billion less investment and 1.6 million barrels less refining capacity in 10 years. It could lead to up to $200 billion less revenue for the U.S. refining sector over the next decade.

It could raise prices for consumers, who are currently saving $700 a year at the pump and $500 a year on home heating oil this winter because of low prices.

It could harm U.S. shipbuilders. We have been having a shipbuilding renaissance in this country. We are currently seeing the biggest shipbuilding boom in 20 years, and it has been because of our increasing oil production and the Jones Act, which requires shipments between U.S. ports to be on U.S.-built, U.S.-flagged, and U.S.-crewed ships. This means that producing more oil is leading to investment in U.S.-built ships to move that oil around the country. Right now, U.S. shipbuilders have orders to expand our domestic tanker fleet capable of transporting crude oil by 40 percent. Each oil tanker can represent an investment of $100 to $200 million. Five years ago there were zero orders. Now one company alone in Pennsylvania—Aker ASA—has nearly $1 billion in back orders and has tripled employment over the last 3 years.

Exports could stop all of this in its tracks, so that GAO report is very important. I also want to compliment Chairman MURKOWSKI and Ranking Member CANTWELL for their excellent work in partnering to produce the legislation which we are considering here on the floor. It represents bipartisanship in the way it is meant to operate.

Toward that goal, I have an amendment that I am going to speak to right now, which is one that Senator CASSIDY from Louisiana and I have introduced. It is an amendment to improve the way we are going to be selling oil from the Strategic Petroleum Reserve. Our Nation's oil stockpile is supposed to be there to protect American consumers and our security in the event of an emergency. We should not be using it as a piggy bank to pay for other priorities. But if we are going to sell oil from the Strategic Petroleum Reserve, we should at least make sure that we do so strategically, to get the best deal for taxpayers and American consumers. Last year, Senator CASSIDY and I offered a nearly identical amendment to the Transportation bill, which was adopted on the Senate floor and ultimately became law. That amendment protects taxpayers by improving the way the sales required under the bill—sales of oil from the Strategic Petroleum Reserve—are, in fact, conducted. The Cassidy-Markey fix gives the Secretary of Energy more flexibility to sell oil when prices are high and directs the Department to stop selling oil when the revenue targets required by the bill are reached.

This fix should allow us to sell fewer overall barrels from the Strategic Petroleum Reserve and get a better return on those sales. However, the roughly $5 million worth of SPRO that was required to be sold as part of the Budget Act that passed in November did not include this commonsense fix. The current Cassidy-Markey amendment that is pending to the Energy bill contains language virtually identical to the amendment to the Transportation bill that was adopted on the Senate floor. It would apply the same fix to the sales required by the Budget Act in order to protect taxpayers.

Too often our policy with respect to SPRO has been to buy high and sell low. Taxpayers have paid an inflation-adjusted average of roughly $75 a barrel for the oil that is in our Nation's stockpile. We should ensure that we get the best return for our taxpayers in those SPRO sales. That is what our amendment would do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, did my colleague from Alaska wish to intervene for a moment?

Ms. MURKOWSKI. Just an inquiry, Mr. President, into how much time the Senator is seeking at this moment.

Mr. MERKLEY. Yes, 10 minutes.

Ms. MURKOWSKI. I also understand that Senator WHITEHOUSE wishes to speak to an amendment that is pending. Is that correct?

Mr. WHITEHOUSE. Mr. President, I only wish for a moment to speak in favor of the Crapo-Whitehouse amendment. I could do that for a minute or for 10 seconds later on. I don't need the time now. We can get to the vote as the chairman wishes.

Ms. MURKOWSKI. Thank you. I am trying to make sure that we are going to commence the vote beginning at noon. Thank you.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

OUR ''WE THE PEOPLE'' DEMOCRACY

Mr. MERKLEY. Mr. President, the most important words in the crafting of our Constitution are the first three words. Those words are ''We the People.'' As President Lincoln so eloquently put it, this is the notion that we would create a system of governance that would be governance of the people, by the people, and for the people. I will be rising periodically to address issues that affect American citizens across our Nation, that are important, that are urgent, and that this body should be addressing.

This week I am using my ''We the People'' speech to highlight excerpts from an article written by NASA scientist Piers Sellers. Piers Sellers was an astronaut. He has been a NASA scientist, and he shared this article from which I am taking portions. He says:

> I'm a climate scientist who has just been told I have Stage 4 pancreatic cancer.

He continues:

> This diagnosis puts me in an interesting position. I've spent much of my professional life thinking about the science of climate change, which is best viewed through a multidecadal lens. At some level I was sure that, even at my present age of 60, I would live to see the most critical part of the problem, and its possible solutions, play out in my lifetime. Now that my personal horizon has been steeply foreshortened, I was forced

to decide how to spend my remaining time. Was continuing to think about climate change worth the bother?

He goes on to note that he examined his bucket list and he found only two things that really mattered: spending time with his family—as he put it, ''with the people I know and love''—and then getting back to his office ''as quickly as possible'' to continue the work on climate science and addressing climate change.

He notes:

On the science side, there has been a steady accumulation of evidence from the last 15 years that climate change is real and that its trajectory could lead us to a very uncomfortable, if not dangerous, place. On the policy side, the just-concluded climate conference in Paris set a goal of holding the increase in global average temperature to 2 degrees Celsius . . . above preindustrial levels.

He continues:

It's doubtful that we'll hold the line at 2 degrees . . . but we need to give it our best shot. With scenarios that exceed that target, we are talking about enormous changes in global precipitation and temperature patterns, huge impacts on water and food security, and significant sea level rise.

He continues, saying that ''Pope Francis and a think tank of retired military officers have drawn roughly the same conclusion . . . The worst impacts will be felt by the world's poorest.''

He continues to examine this and notes that while heavy lifting will have to be done by policymakers—and he is speaking to all of us—scientists can add a great deal, and scientists at NASA can help by keeping track of the changes in the Earth's system and using their powerful computer models to explore which approaches to addressing this problem are practical, trading off near-term impacts against longer term impacts.

He observes that engineers and industrialists must come up with new technologies to address the challenges of clean energy generation, storage, and distribution, and that they must be solved within a few decades.

Later in the article, he says:

History is replete with examples of us humans getting out of tight spots. The winners tend to be realistic, pragmatic, and flexible; the losers are often in denial of the threat.

He closes by saying this:

As for me, I have no complaints. I am very grateful for the experiences I have had on this planet. As an astronaut, I space-walked 220 miles above the Earth, floating alongside the International Space Station. I watched hurricanes cartwheel across the ocean, the Amazon snake its way through a sea of brilliant green carpeted forest, and gigantic nighttime thunderstorms flash and flare for hundreds of miles along the Ecuador. From this God's-eye-view, I saw how fragile and infinitely precious the Earth is, and I am hopeful for its future.

''And so,'' he concludes, ''I am going to work tomorrow.''

I simply want to thank Piers for his lifetime of commitment to science, his service as an astronaut, his continuing to work on this major challenge of addressing the planet, and that he would see—even in these days where he is fighting a battle against a forceful, powerful disease, he is dedicating his efforts to this challenge.

Is that not a call for all of us to see how important it is for us to dedicate our efforts to take on this challenge and to recognize, as he points out, that major strategies must be developed in a short period of time to avoid catastrophic consequences.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that following the disposition of the Crapo amendment, the Senate then vote on the Markey amendment with no second-degree amendments in order to the Markey amendment prior to the vote.

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

Ms. MURKOWSKI. Mr. President, now we are ready to dispose of a couple of amendments by voice vote.

AMENDMENT NO. 3017

I call for the regular order with respect to the Barrasso amendment No. 3017.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 3017, AS MODIFIED

Ms. MURKOWSKI. Mr. President, I send a modification to the desk for Barrasso amendment No. 3017.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of subtitle G of title IV, add the following:

**SEC. 46____. CARBON DIOXIDE CAPTURE TECHNOLOGY PRIZE.**

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) (as amended by section 4601) is amended by adding at the end the following:

''(h) CARBON DIOXIDE CAPTURE TECHNOLOGY PRIZE.—

''(1) DEFINITIONS.—In this subsection:

''(A) BOARD.—The term 'Board' means the Carbon Dioxide Capture Technology Advisory Board established by paragraph (6).

''(B) DILUTE.—The term 'dilute' means a concentration of less than 1 percent by volume.

''(C) INTELLECTUAL PROPERTY.—The term 'intellectual property' means—

''(i) an invention that is patentable under title 35, United States Code; and

''(ii) any patent on an invention described in clause (i).

''(D) SECRETARY.—The term 'Secretary' means the Secretary of Energy or designee, in consultation with the Board.

''(2) AUTHORITY.—Not later than 1 year after the date of enactment of this subsection, as part of the program carried out under this section, the Secretary shall establish and award competitive technology financial awards for carbon dioxide capture from media in which the concentration of carbon dioxide is dilute.

''(3) DUTIES.—In carrying out this subsection, the Secretary shall—

''(A) subject to paragraph (4), develop specific requirements for—

''(i) the competition process;

''(ii) minimum performance standards for qualifying projects; and

''(iii) monitoring and verification procedures for approved projects;

''(B) establish minimum levels for the capture of carbon dioxide from a dilute medium that are required to be achieved to qualify for a financial award described in subparagraph (C);

''(C) offer financial awards for—

''(i) a design for a promising capture technology;

''(ii) a successful bench-scale demonstration of a capture technology;

''(iii) a design for a technology described in clause (i) that will—

''(I) be operated on a demonstration scale; and

''(II) achieve significant reduction in the level of carbon dioxide; and

''(iv) an operational capture technology on a commercial scale that meets the minimum levels described in subparagraph (B); and

''(D) submit to Congress—

''(i) an annual report that describes the progress made by the Board and recipients of financial awards under this subsection in achieving the demonstration goals established under subparagraph (C); and

''(ii) not later than 1 year after the date of enactment of this subsection, a report on the adequacy of authorized funding levels in this subsection.

''(4) PUBLIC PARTICIPATION.—In carrying out paragraph (3)(A), the Board shall—

''(A) provide notice of and, for a period of at least 60 days, an opportunity for public comment on, any draft or proposed version of the requirements described in paragraph (3)(A); and

''(B) take into account public comments received in developing the final version of those requirements.

''(5) PEER REVIEW.—No financial awards may be provided under this subsection until the proposal for which the award is sought has been peer reviewed in accordance with such standards for peer review as are established by the Secretary.

''(6) CARBON DIOXIDE CAPTURE TECHNOLOGY ADVISORY BOARD.—

''(A) ESTABLISHMENT.—There is established an advisory board to be known as the 'Carbon Dioxide Capture Technology Advisory Board'.

''(B) COMPOSITION.—The Board shall be composed of 9 members appointed by the President, who shall provide expertise in—

''(i) climate science;

''(ii) physics;

''(iii) chemistry;

''(iv) biology;

''(v) engineering;

''(vi) economics;

''(vii) business management; and

''(viii) such other disciplines as the Secretary determines to be necessary to achieve the purposes of this subsection.

''(C) TERM; VACANCIES.—

''(i) TERM.—A member of the Board shall serve for a term of 6 years.

''(ii) VACANCIES.—A vacancy on the Board—

''(I) shall not affect the powers of the Board; and

''(II) shall be filled in the same manner as the original appointment was made.

''(D) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

''(E) MEETINGS.—The Board shall meet at the call of the Chairperson.

''(F) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

''(G) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and

Vice Chairperson from among the members of the Board.

''(H) COMPENSATION.—Each member of the Board may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule for each day during which the member is engaged in the actual performance of the duties of the Board.

''(I) DUTIES.—The Board shall advise the Secretary on carrying out the duties of the Secretary under this subsection.

''(7) INTELLECTUAL PROPERTY.—

''(A) IN GENERAL.—As a condition of receiving a financial award under this subsection, an applicant shall agree to vest the intellectual property of the applicant derived from the technology in 1 or more entities that are incorporated in the United States.

''(B) RESERVATION OF LICENSE.—The United States—

''(i) may reserve a nonexclusive, nontransferable, irrevocable, paid-up license, to have practiced for or on behalf of the United States, in connection with any intellectual property described in subparagraph (A); but

''(ii) shall not, in the exercise of a license reserved under clause (i), publicly disclose proprietary information relating to the license.

''(C) TRANSFER OF TITLE.—Title to any intellectual property described in subparagraph (A) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $50,000,000, to remain available until expended.

''(9) TERMINATION OF AUTHORITY.—The Board and all authority provided under this subsection shall terminate on December 31, 2026.''.

Ms. MURKOWSKI. Mr. President, I know of no further debate on this amendment.

The PRESIDING OFFICER. Since there is no further debate, the question is on agreeing to amendment No. 3017, as modified.

The amendment (No. 3017), as modified, was agreed to.

AMENDMENT NO. 2968

Ms. MURKOWSKI. Mr. President, I call for the regular order with respect to the Shaheen amendment No. 2968.

The PRESIDING OFFICER. The amendment is now pending.

Ms. MURKOWSKI. Mr. President, I know of no further debate on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2968.

The amendment (No. 2968) was agreed to.

AMENDMENT NO. 3021

Ms. MURKOWSKI. Mr. President, I now ask unanimous consent that Senator CRAPO and Senator WHITEHOUSE each have 1 minute of debate prior to the vote on the Crapo amendment.

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

The Senator from Idaho.

Mr. CRAPO. Mr. President, in a few minutes we will vote on the adoption of the Nuclear Energy Innovation Capabilities Act, which we are seeking to add as an amendment to this important Energy bill. This amendment will do a number of very critical things to help the United States increase and maintain and keep its lead in nuclear energy development globally.

It will establish a modeling and simulation program that aids in the development of new reactor technologies, establish a user facility for a versatile reactor-based fast neutron source, and establish a national innovation center to help share this vital information between the government and the private sector.

It will allow the NRC to apprise the Department of Energy of regulatory challenges early in the development process and would require a report by the NRC on the licensing of non-light water reactors. This bill is a strong signal to the rest of the world that we intend to maintain U.S. leadership in nuclear technology.

This bill will enable the private sector and national labs to work together to create even greater achievement in nuclear science than in the last century.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, as the lead Democratic cosponsor of Senator CRAPO's amendment, I want to commend and salute him for his leadership. Senators DURBIN and BOOKER and I have all joined from our side. Senator CRAPO, Senator RISCH, Senator HATCH, and Senator KIRK are on the Republican side. This is truly a bipartisan amendment. I hope it will get a strong and positive vote.

It is very important that America continue its innovation in the area of advanced nuclear technologies. They continue to confer immense promise. We are seeing the promise of American innovation realized overseas, for instance, where the first traveling wave technologies are being constructed in China, not here.

We need to make sure we continue our investment. We need to make sure we are doing good regulation so that innovation can proceed to the market. We hope this amendment will help move that forward.

Once again, Senator CRAPO has shown great leadership with this. I am pleased to support him.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3021.

Ms. MURKOWSKI. 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 bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kentucky (Mr. PAUL), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Ms. MIKULSKI), the Senator from Florida (Mr. NELSON), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 87, nays 4, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—87

| | | |
|---|---|---|
| Alexander | Ernst | Murray |
| Ayotte | Feinstein | Perdue |
| Baldwin | Fischer | Peters |
| Barrasso | Flake | Portman |
| Bennet | Franken | Reed |
| Blumenthal | Gardner | Reid |
| Blunt | Gillibrand | Risch |
| Booker | Graham | Roberts |
| Boozman | Grassley | Rounds |
| Brown | Hatch | Sasse |
| Burr | Heinrich | Schatz |
| Cantwell | Heitkamp | Schumer |
| Capito | Heller | Scott |
| Cardin | Hoeven | Sessions |
| Carper | Isakson | Shaheen |
| Casey | Johnson | Shelby |
| Cassidy | Kaine | Stabenow |
| Coats | King | Sullivan |
| Cochran | Kirk | Tester |
| Collins | Lankford | Thune |
| Coons | Leahy | Tillis |
| Corker | Manchin | Toomey |
| Cornyn | McCain | Udall |
| Cotton | McCaskill | Vitter |
| Crapo | McConnell | Warner |
| Daines | Menendez | Warren |
| Donnelly | Moran | Whitehouse |
| Durbin | Murkowski | Wicker |
| Enzi | Murphy | Wyden |

NAYS—4

| | |
|---|---|
| Hirono | Markey |
| Lee | Merkley |

NOT VOTING—9

| | | |
|---|---|---|
| Boxer | Klobuchar | Paul |
| Cruz | Mikulski | Rubio |
| Inhofe | Nelson | Sanders |

The amendment (No. 3021) was agreed to.

VOTE ON AMENDMENT NO. 2982

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 2982.

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 bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Colorado (Mr. GARDNER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kentucky (Mr. PAUL), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from Florida (Mr. NELSON), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 62, nays 29, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—62

| | | |
|---|---|---|
| Alexander | Feinstein | Murphy |
| Ayotte | Franken | Murray |
| Baldwin | Gillibrand | Peters |
| Bennet | Graham | Portman |
| Blumenthal | Grassley | Reed |
| Blunt | Hatch | Reid |
| Booker | Heinrich | Rounds |
| Brown | Heitkamp | Schatz |
| Cantwell | Hirono | Schumer |
| Capito | Isakson | Shaheen |
| Cardin | Johnson | Stabenow |
| Carper | Kaine | Sullivan |
| Casey | King | Tester |
| Coats | Klobuchar | Udall |
| Cochran | Leahy | Vitter |
| Collins | Manchin | Warner |
| Coons | Markey | Warren |
| Cornyn | McCaskill | Whitehouse |
| Donnelly | Menendez | Wicker |
| Durbin | Merkley | Wyden |
| Ernst | Murkowski | |

NAYS—29

| | | |
|---|---|---|
| Barrasso | Flake | Risch |
| Boozman | Heller | Roberts |
| Burr | Hoeven | Sasse |
| Cassidy | Kirk | Scott |
| Corker | Lankford | Sessions |
| Cotton | Lee | Shelby |
| Crapo | McCain | Thune |
| Daines | McConnell | Tillis |
| Enzi | Moran | Toomey |
| Fischer | Perdue | |

NOT VOTING—9

| | | |
|---|---|---|
| Boxer | Inhofe | Paul |
| Cruz | Mikulski | Rubio |
| Gardner | Nelson | Sanders |

The amendment (No. 2982) was agreed to.

The PRESIDING OFFICER. Under the previous order, the time until 1:45 p.m. will be equally divided between the managers or their designees.

The Senator from New Hampshire.

REMEMBERING THE CREWMEMBERS OF THE SPACE SHUTTLE ''CHALLENGER''

Ms. AYOTTE. Madam President, today is the 30th anniversary of the tremendous loss of the Space Shuttle *Challenger* and of New Hampshire teacher in space Christa McAuliffe of Concord, NH.

Today I rise to honor the legacy of the *Challenger*. On this day 30 years ago, America was saddened by the tragic loss of seven brave crewmembers of the Space Shuttle *Challenger*: Commander Francis R. Scobee, Pilot Michael Smith, Mission Specialist Ellison S. Onizuka, Mission Specialist Ronald E. McNair, Mission Specialist Judith A. Resnik, Payload Specialist Gregory B. Jarvis, and, of course, our own New Hampshire teacher in space and payload specialist, S. Christa McAuliffe.

Each of the members of the *Challenger* crew conducted themselves with such bravery, heroism, and a desire to reach beyond and into the stars that it inspired me.

As a high school student, I remember where I was that day. We were all watching as the *Challenger* was lifting off into the stars. I was a student at Nashua High School and Christa McAuliffe inspired all of us. She captured the Nation's imagination as she looked to be the first teacher in space.

That tragic day touched the lives of every man, woman, and child in New Hampshire. It was one of those days in history when time stopped and everyone remembers what they were doing at that moment. I know I certainly do. You see, Christa was a role model, someone who lived among us and was able to achieve extraordinary things. She inspired young people across New Hampshire and the Nation to ''touch the future.''

She was a gifted educator and had such an infectious enthusiasm for teaching. She taught social studies at Concord High School and was selected from 11,000 applicants to be the first teacher in space.

When asked about the mission on national television, she said: ''If you're offered a seat on a rocket ship, don't ask what seat. Just get on.'' It really shows her dedication to teaching, her bravery, and her commitment to inspiring the next generation of leaders, scientists, dreamers, and explorers, all of whom have made our Nation great.

Today, the McAuliffe-Shepard Discovery Center in Concord, NH, is named in her honor. This state-of-the-art facility not only provides a lasting tribute to the courage and bravery of Christa McAuliffe and all of the members of the *Challenger* crew, but it also helps educate visitors about the contributions of these extraordinary New Hampshire citizens—not just Christa McAuliffe but other New Hampshire citizens who have braved and explored space. The McAuliffe planetarium is doing amazing work by showing the next generation of scientists and leaders how exciting it is to study science, technology, engineering, and mathematics. It is a tremendous legacy to Christa McAuliffe and all who have traveled in space and explored the edges of the universe on our behalf so we can learn more about ourselves and new developments.

President Ronald Reagan eloquently said that frightful day 30 years ago:

> The crew of the Space Shuttle *Challenger* honored us by the manner in which they lived their lives. We will never forget them, nor the last time we saw them, this morning, as they prepared for their journey and waved goodbye and ''slipped the surly bonds of earth'' to ''touch the face of God.''

Today we remember and honor the legacy of a great Granite Stater and great American, Christa McAuliffe, and all of the brave crewmembers of the Space Shuttle *Challenger* that day because their legacy continues to live on in our children and in our continuous focus on improving in science, technology, mathematics, and our continuous reach for the stars.

I thank the Presiding Officer.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

HONORING NEBRASKA'S SOLDIERS WHO LOST THEIR LIVES IN COMBAT

Mrs. FISCHER. Mr. President, I rise to pay tribute to the great men and women of Nebraska who have served and are serving in the U.S. military.

Our State has a rich and powerful history of answering the call to serve. For nearly 150 years, we have witnessed this bravery in each of America's wars. Over the past decade, the men and women of Nebraska have risen to defend our precious freedom against Islamic terrorists, primarily in Iraq and Afghanistan.

This year marks the 15th anniversary of the horrific terrorist attacks in New York and Washington, DC. These events changed the lives of Nebraskans and our Nation forever. Nebraskans stepped up, ready to fight. Those serving in uniform, be it Active Duty, the National Guard or the Reserves, knew they would likely wind up on the battlefield at some point in the future.

Many other Nebraskans enlisted after high school. ROTC units in Nebraska had no problem filling their ranks, and applications for military academy nominations poured in at record numbers. We should all be so thankful to this generation for answering the call and standing up to defend freedom across the globe.

Today, I begin a new initiative to honor this generation of Nebraska's heroes on the Senate floor, and I will focus on those who lost their lives in combat. All of our fallen Nebraskans have a special story. According to the Nebraska Department of Veterans Affairs, there are 77 Nebraskans who lost their lives to combat-related incidents in Iraq and Afghanistan. Throughout this year and beyond, I intend to devote time on the Senate floor to remember each of these heroes. Telling their stories keeps their service and their sacrifice alive in our hearts, while reminding us of the principles they fought and died for.

Time after time, Nebraska's Gold Star families tell me the same thing. They hope and pray that the supreme sacrifices of their loved ones will always be remembered. It is my hope that these presentations will allow us to pause and reflect on these brave Nebraskans. The freedoms they secured are personified by the courage they embody.

SPECIALIST JOSHUA A. FORD

Mr. President, today I wish to begin with SPC Josh Ford from Pender, NE. Joshua A. Ford was killed in Iraq on July 31, 2006. His parents, relatives, and high school classmates look back lovingly on the boy who quickly grew to be a courageous soldier.

As a young teenager, Josh was described as a couch potato who liked video games, painting, and watching horror movies, but deep inside there grew a strong desire to serve his country in military uniform.

He joined the Nebraska Army National Guard between his junior and senior year at Pender High School in

2003. That same year he began basic training at Fort Jackson. He was just 17 years old, and it was a tough transition.

His dad Lonnie remembers Josh talking about being placed in ''fat man's camp'' at Fort Jackson. Josh was overweight by 35 pounds at the time. Lonnie and his wife Linda, along with classmates and friends, noticed how dramatically Josh had changed when he returned from basic training.

A year later, after graduating from Pender High School, Josh attended the Army's heavy vehicle driver school at Fort Leonard Wood. He was assigned to the 189th Transportation Company, Detachment No. 1, in Wayne, NE.

A senior sergeant remembers that Josh ''grew up from a kid to a soldier almost overnight.''

The 189th had just been recognized as a unit in April of 2003. Two years later, the 189th received orders to deploy to Iraq.

Following training at Fort Riley, the unit arrived at Tallil, Iraq, in October of 2005. For the next year they traveled over 2.5 million miles throughout the country. Specialist Ford became known as an energetic and reliable battle buddy. He was eager to tackle extra missions.

Josh came home on leave in April of 2006. He had a number of things on his mind. At the top of his list was his girlfriend Michelle, whom he proposed to that spring, and she happily accepted. He also kept things in order, leaving behind an audio will for his friends. According to Josh's father Lonnie, ''he just wanted everyone to celebrate his life after he was gone.''

Josh returned to Iraq with just 6 months to go in the deployment. In the early evening of July 31, 2006, the heat was unbearable but typical for a summer day in Iraq. Specialist Ford and his battle buddy, SPC Ben Marksmeier, were part of a 189th convoy that was driving through an area they had patrolled many times. Out of nowhere, an IED blast obliterated their vehicle. Unit members reached their truck immediately. Specialist Marksmeier was seriously injured, but Specialist Ford died at the scene.

Lonnie, Josh's dad, will never forget the day he heard the knock at the door. Three members of the Nebraska Army National Guard had arrived at his home in Pender, and he knew before he opened the door why they had come. The next day, Lonnie and his wife Linda traveled over 250 miles to tell Josh's grandmother and his three sisters of his death. One can only imagine the pain, sorrow, and agony they felt every step of the way.

SPC Josh Ford was buried in Pender, NE, on August 10, 2006. Pictures show the road from the church to the cemetery lined with people as the Patriot Guard veteran motorcycle group escorted Josh to his final resting place.

For his service to his country, SPC Josh Ford earned the Bronze Star, the Purple Heart, and the Combat Action Badge. He was promoted posthumously to the rank of sergeant.

His father Lonnie later retired from teaching, and he joined the Patriot Guard. Today, Lonnie ensures those who served and died are never forgotten. He attends funerals and events with his fellow Patriot Guard riders all across Nebraska. Josh's photo and his service information are proudly displayed on his rider's vest.

He recalls Josh saying to him, when he was home on leave in April before his death:

> Old man, I now understand why you were so tough on me while I was growing up. You only wanted me to become the best person I could possibly be.

During his limited time on Earth, Josh did just that.

Our Nation and all Nebraskans are forever indebted to his service and sacrifice. SGT Josh Ford was a hero, and I am honored to tell his story lest we forget his life and the freedom he fought to defend.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING THE CREWMEMBERS OF THE SPACE SHUTTLE ''CHALLENGER''

Ms. WARREN. Mr. President, 30 years ago today millions of Americans gathered around their television sets in homes and classrooms all across the country to watch the Space Shuttle *Challenger* launch toward the stars. Seventy-three seconds later everything changed. We stared at our television sets, stunned and brokenhearted.

Today, on the 30th anniversary of that terrible tragedy, we remember the heros we lost: Francis Scobee, Michael Smith, Ronald McNair, Ellison Onizuka, Judith Resnik, Gregory Jarvis; and we remember one more hero, the special person that so many little boys and girls tuned in that day to see, the very first U.S. civilian in space, Christa Corrigan McAuliffe.

Christa was born in Boston, MA, and grew up in nearby Framingham. She attended Marian High School and attended Framingham State University. She married her high school sweetheart, Steve. They had two children, Scott and Caroline. She eventually became a high school social studies teacher in Concord, NH.

In 1984, Ronald Reagan announced that NASA would send its first private citizen into space, and that person would be a teacher. A few months later, Christa beat out over 11,000 other applicants to become the first teacher in space. Christa was thrilled. It was like a dream come true. She reportedly told Johnny Carson: ''If you're offered a seat on a rocket ship, don't ask what seat. Just get on.''

Mr. President, 30 years ago today Senator Ted Kennedy entered an excerpt of Christa McAuliffe's NASA application into the public record, and I would like to reenter it for the RECORD and read it again today.

When asked why she wanted to be the first private citizen in space, Christa McAuliffe wrote:

> I remember the excitement in my home when the first satellites were launched. My parents were amazed and I was caught up in their wonder. In school my classes would gather around the TV and try to follow the rocket as it seemed to jump all over the screen. I remember when Alan Shepard made his historic flight—not even an orbit—and I was thrilled. John Kennedy inspired me with his words about placing a man on the moon and I still remember a cloudy, rainy night driving through Pennsylvania and hearing the news that the astronauts had landed safely.
>
> As a woman, I have been envious of those men who could participate in the space program and who were encouraged to excel in areas of math and science. I felt that women had indeed been left outside of one of the most exciting careers available. When Sally Ride and other women began to train as astronauts, I could look among my students and see ahead of them an ever-increasing list of opportunities.
>
> I cannot join the space program and restart my life as an astronaut, but this opportunity to connect my abilities as an educator with my interests in history and space is a unique opportunity to fulfill my early fantasies. I watched the space age being born and I would like to participate.

Mr. President, Christa McAuliffe never made it into orbit on January 28, 1986. She never got the chance to write in her journal about what it was like inside the space shuttle, how it feels to float around, and all the other sorts of things that people who are not astronauts have wondered about. She never got to go back to her classroom to tell her children about her magnificent journey.

But Christa McAuliffe still teaches. Since 1994, the Christa McAuliffe Center at Framingham State University has provided truly remarkable, innovative, integrated STEM education resources to 12,000 Massachusetts students each year. Christa McAuliffe's story of a little girl from Framingham who became a schoolteacher and got the chance to take the ''ultimate field trip'' into outer space keeps inspiring little boys and girls in Massachusetts and around the country, telling them all to reach for the stars.

Today, we remember Christa McAuliffe and the six others we lost on the Space Shuttle *Challenger*. We remember that day as our country stared at our television sets, stunned and brokenhearted. We honor their memory by continuing, as Christa McAuliffe said, ''to touch the future,'' to teach our children and our grandchildren ''where we have been, where we are going, [and] why.''

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I rise today to speak in support of the Stabenow-Peters amendment package that

will provide much needed assistance to Flint, MI. For decades Flint was known as the birthplace of General Motors and for playing a key role in the formation of the United Auto Workers.

Now national attention is trained on Flint not for its role in the creation of America's middle class but for the utter abandonment by the State government of a city where 40 percent of the population lives below the poverty line.

Nearly 2 years ago, an unelected emergency manager appointed by Michigan's Governor changed the city of Flint's water source to the Flint River in an attempt to save money while the city prepared to transition to a new regional water authority. The ultimate cost of this misguided, dangerous decision will not be known for decades.

After switching away from clean water sourced from the Detroit Water Authority, Flint residents began to receive improperly treated Flint River water, long known to be contaminated and potentially very corrosive. Water poured from Flint faucets and tasted and smelled terrible. It was discolored—brown or yellow in many cases. In fact, General Motors stopped using this water source for their Flint engine operations because the high chloride levels were corroding parts used during the manufacturing process.

The result of the State government decision was—and continues to be—catastrophic. Flint families were exposed to lead and other toxins that will have a lasting effect for generations.

The water crisis in Flint is an immense failure on the part of Michigan's State government to ensure the health and safety of the people of Flint and to provide the basic human right of clean water for drinking, bathing, and cooking. It is a failure that will cause Flint's children to suffer from the adverse health effects of lead exposure for years to come—a failure that has created the enormous challenge of fixing a water system that has had corrosive water flowing through its pipes for months.

Even after Flint has transitioned back to distributing water from Detroit that should be safe, unfortunately the potentially irreversible damage to the waterlines will still require the use of filters. This ongoing crisis has left the city of 100,000 people drinking bottled water donated from across the Nation.

In light of the State government's failure, I am disappointed State government still has not sufficiently stepped up to provide the necessary resources to deal with the short and long term effects of water contamination in Flint.

While the cause of this crisis and the ultimate responsibility to fix it lies with State government, we need to bring resources from all levels of government to bear to address this unprecedented emergency. Along with my Michigan colleagues Senator STABENOW and Representative KILDEE, I have been working tirelessly to leverage all available resources for the people of Flint.

The effects of lead exposure on children are insidious, causing long-term developmental problems, nervous system damage, and decreased bone and muscle growth. There is no cure, but we can mitigate these problems with a commitment to delivering nutrition, education, health care, and other wraparound services that a generation of Flint children now need more than ever.

My colleagues and I have requested that the U.S. Department of Agriculture allow existing programs to provide ready-to-feed infant formula that does not need to be mixed with water to all infants in Flint. We have urged the Department of Health and Human Services to make Head Start available for every eligible child in the city of Flint. We are working to make sure every Flint resident has access to affordable health care and are encouraging residents to purchase coverage through the open enrollment at healthcare.gov before the January 31 deadline or sign up for Medicaid if they are eligible.

I will continue to work with Congress, the administration, and leaders on the ground in Flint to secure any Federal support possible for Flint families and small businesses that have been harmed. As part of our efforts to support the people of Flint, Senator STABENOW and I are offering an amendment that will help begin the process to make Flint whole with substantial investments in fixing this problem in both the short and long term. Our amendment will assist the city of Flint in four ways.

First, the amendment would include my bill, the Improving Notification for Clean and Safe Drinking Water Act, or the INCASE Act, which would require the EPA to directly notify the public of dangerously high lead levels in drinking water if the local and State governments fail to do so within 15 days. The EPA repeatedly made recommendations to the State government, urging them to take steps to improve the water and protect the people. Unfortunately, the State of Michigan failed to take action and failed to properly notify Flint residents of the health risks in the water system for months. The primary responsibility for notifying residents lies with the State government, but when you have a situation like Flint where the State was sitting on critical information, there has to be another level of accountability.

Second, our amendment will authorize EPA to issue direct grants to the State of Michigan and the city of Flint to hire new personnel, provide technical assistance, and, most importantly, replace and repair water service lines—the only long-term solution. These aging service lines were certainly a concern before the crisis, but now there is an urgent need to repair and to replace them. For nearly 2 years corrosive water flowed through the pipes leaching lead and other toxins. This provision will fund the repairs for the service lines that were severely and potentially permanently damaged as a result.

Third, our amendment includes a technical fix that will allow current Drinking Water State Revolving Funds to be used for loan forgiveness. This will provide upwards of $20 million in relief to Flint and allow them to direct new funds for investment in water infrastructure and not interest payments. Earlier this year the EPA acknowledged that the State did not have the authority to forgive these loans. That is why this amendment includes a temporary technical fix to allow States to use the EPA's Drinking Water State Revolving Fund resources for loan forgiveness and debt relief on debt incurred before the current fiscal year.

Finally, our amendment will direct the U.S. Department of Health and Human Services to establish a Center Of Excellence on lead exposure in Flint, which will bring together local universities, hospitals, medical professionals, and the State and county public health departments in an effort to address the short and long-term health effects of lead exposure in the city.

Mr. President, it is important to remember that the children of Flint have been impacted the most by this crisis through no fault of their own. Whether in Flint or elsewhere in America, we have a responsibility to care for our children. We must repair the trust Flint residents have lost in the ability of government officials to protect them and to provide the most basic services.

I strongly urge my colleagues to join us in our effort to help Flint recover from this unnecessary manmade disaster. Standing up for children is not a Republican or a Democratic issue. I hope we all come together. This is common ground on which we can stand together and stand up for the people and the children of Flint.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I rise today to speak in support of a bipartisan amendment I have submitted with the senior Senator from California. It would enable Arizona, California, and other drought-stricken States to store more water in hydroelectric dams.

As everyone knows, water is a controversial issue in the West. Arizona and California have long been at odds on a number of water-related issues, particularly the very long-running Supreme Court case on the Colorado River. However, recognizing the importance of wisely managing water in the West is something on which we can all agree and look for ways to cooperate.

Today I am pleased to submit, along with Senator FEINSTEIN of California, one of these helpful management provisions to better use existing dams in our drought-stricken States. These dams

are critical to water management in the West. We have to store water, obviously, in dry times. The Western United States relies on dams to produce clean, renewable hydropower, to deliver drinking water to growing cities, and to irrigate fields. Because these dams are large and expensive and increasingly difficult to have built, it is imperative that we make the most of those we have already.

In a bill introduced last year, Senator FEINSTEIN included a pilot program to allow the updating of how flood control operations are conducted at many dams. This very helpful provision allows the use of modern forecasting tools and better records of hydrology to reevaluate the flood control operations in order to create additional water storage space. Increased storage space would allow more water to be kept behind the dams, allowing more hydropower to be produced exactly when it is needed. This amendment simply expands on Senator FEINSTEIN's proposal broadening the scope to all drought-stricken States—not just California—increasing the number of projects in the pilot program, and allowing more types of facilities to opt into this pilot program.

This is a commonsense amendment. It will help us make the most of the capacity we have to store water and to produce hydropower. I urge its adoption.

I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 2965

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment No. 2965.

Ms. MURKOWSKI. 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 legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Colorado (Mr. GARDNER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kentucky (Mr. PAUL), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 55, nays 37, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—55

| | | |
|---|---|---|
| Alexander | Feinstein | Nelson |
| Ayotte | Franken | Peters |
| Baldwin | Gillibrand | Portman |
| Bennet | Graham | Reed |
| Blumenthal | Heinrich | Reid |
| Blunt | Heitkamp | Risch |
| Booker | Hirono | Schatz |
| Brown | Kaine | Schumer |
| Cantwell | King | Shaheen |
| Capito | Klobuchar | Stabenow |
| Cardin | Leahy | Sullivan |
| Carper | Manchin | Tester |
| Casey | Markey | Udall |
| Cochran | McCaskill | Warner |
| Collins | Menendez | Warren |
| Coons | Merkley | Whitehouse |
| Crapo | Murkowski | Wyden |
| Donnelly | Murphy | |
| Durbin | Murray | |

NAYS—37

| | | |
|---|---|---|
| Barrasso | Grassley | Roberts |
| Boozman | Hatch | Rounds |
| Burr | Heller | Sasse |
| Cassidy | Hoeven | Scott |
| Coats | Isakson | Sessions |
| Corker | Johnson | Shelby |
| Cornyn | Kirk | Thune |
| Cotton | Lankford | Tillis |
| Daines | Lee | Toomey |
| Enzi | McCain | Vitter |
| Ernst | McConnell | Wicker |
| Fischer | Moran | |
| Flake | Perdue | |

NOT VOTING—8

| | | |
|---|---|---|
| Boxer | Inhofe | Rubio |
| Cruz | Mikulski | Sanders |
| Gardner | Paul | |

The amendment (No. 2965) was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. MORAN. Mr. President, I ask unanimous consent to speak as in morning business.

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

S. 2452

Mr. MORAN. Mr. President, there are a lot of things that go on here in our Nation's capital, Washington, DC, that don't make sense to me. One of those things occurred about 10 days ago when the Obama administration announced it would pay $1.7 billion to Iran in settlement of a financial dispute dating back to the days of the Shah of Iran. That $1.7 billion was a payment to Iran for $400 million that was held in escrow after the Shah's demise and fall from power, and the remaining $1.3 billion was to pay interest on that $400 million.

I think there are a number of reasons that this makes no sense. I will highlight the one that seems to me to be the least controversial or at least makes the most sense. We have American citizens who have claims against Iran. There are actual judgments entered by a court of law which determines that the country of Iran owes money to American citizens. The number that I was told that they owe is nearly $10 billion in judgments.

What makes no sense to me is that the Obama administration would agree to pay the Iranian Government $1.7 billion without concurrently resolving the issues of what Iran should pay U.S. citizens. It makes no sense to me that we are not withholding the payment of that $1.7 billion until Iran pays American citizens the judgment amounts owed to them for their country's terrorist attacks.

Why would we unilaterally pay Iran money that we may or may not owe them without resolving the issue of money that we know Iran owes to U.S. citizens? This makes no sense. We could at least have a broader conversation and discussion about this issue, although I don't know that it is necessary to go further with a discussion to reach the conclusion that the Obama administration should not be doing this. We could also have a conversation about whether this payment of $1.7 billion is ransom money. Was it paid because Americans were released from Iranian captivity on the same day? As the largest supporter and funder of terrorism and terrorist activity around the globe, we should have a discussion about whether we should be giving Iran any money at all.

We know that part of the Iranian agreement related to nuclear weapons has the United States releasing money to Iran, and we know—in fact, administration officials have admitted to it—that we expect that money, in part, to be used to sponsor additional terrorist acts. Well, in addition to the flawed, mistaken agreement with Iran related to nuclear capabilities, we are now providing Iran with another $1.7 billion to use as they see fit, presumably with the admitted ability to use that money to further terrorist acts around the globe, including against U.S. citizens.

We could discuss whether this is ransom or whether we should be giving any money to Iran. But on the surface, you don't need to go further than, in my view, what ought to be easily agreed upon, which is that no money should go to Iran until the claims of American citizens are paid by Iran.

I am on the Senate floor to highlight to my colleagues that I have introduced legislation exactly to that effect: no money to Iran until the claims are paid to U.S. citizens by Iran. I encourage my colleagues to consider this legislation and join me in its sponsorship. It is S. 2452.

I am grateful for the opportunity to bring this issue to the attention of the Senate—one more instance of something that makes no sense to me that could be resolved with a firm statement by the U.S. Congress: Mr. President, you can't pay Iran until Iran meets its obligations to pay what it owes U.S. citizens.

Mr. President, I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

UNACCOMPANIED MINORS ENTERING THE UNITED STATES

Mr. CORNYN. Mr. President, if this sounds like a case of deja vu, it is because we have been here before. I am talking specifically about the flow of unaccompanied minor children coming across our southwestern border, primarily through my State—the State of Texas—which shares a 1,200-mile common border with Mexico.

As the Presiding Officer knows, these children are coming not from Mexico but from Central America. This is a situation that about a year or so ago the President and his administration called a humanitarian crisis because we had this flow of unaccompanied children and some with their mothers, but mostly without, who came flooding across our border, and we were just simply struggling to keep up with them to deal with their safety, their health needs, and their security needs.

At that time we had a discussion about what we should do to protect these children to make sure they weren't victimized by human traffickers and other predators who might prey on their vulnerability when they get to the United States. Indeed, this morning, under the leadership of Chairman PORTMAN from Ohio, the Senate Permanent Subcommittee on Investigations held a hearing to explore a disturbing and tragic problem related to this flow of unaccompanied children coming across our Nation's southern border.

After these children are apprehended by the Border Patrol, they are placed in the hands of the Department of Health and Human Services to ensure they receive proper care. Many of these children are recovering from abuse, exploitation, exhaustion, exposure from this incredible trip they would make from their country in Central America through Mexico into the United States, many on the back of a train system known colloquially as The Beast. Many of us have seen pictures of this train with people on top of it, not necessarily inside of it, and falling off, being injured, people being assaulted. It is a terrible experience.

So many of these children come to the United States recovering from abuse and exploitation after traveling more than 1,000 miles. This is a very important point: These are not good people who are bringing them here. They are part of a transnational criminal organization—the cartels in Mexico, the gangs who help distribute drugs, traffic in human beings, help facilitate illegal immigration. This has become a huge international business. If you ask almost anybody who has had any experience in this area, it is not like the old days when coyotes, as we call them in Texas and elsewhere, smuggled people across in onesies and twosies. These are people who smuggle a lot of people for the money they are able to generate. They, frankly, don't care about the individuals, but they do care about the money, and that is why they are in the business of smuggling these children from Central America across Mexico and into the United States.

Here is the immediate problem that Senator PORTMAN's Subcommittee on Investigations revealed: Because the U.S. Government—the Department of Health and Human Services—does not adequately vet the sponsors with whom these children are placed once they come into the United States—we know, for example, they admit these sponsors do not have to be American citizens. They don't even have to be family members. Shockingly, Health and Human Services is releasing many of these children to sponsors who have been convicted of serious crimes, including human trafficking, sexual exploitation, and violent offenses.

Instead of using commonsense procedures as we see in place, for example, in international adoptions, including extensive background checks, thorough interviews, and multiple home visits to make sure a child is being placed in a safe and secure situation, the placement process for these migrant children is riddled with loopholes for those who want to exploit it, and unfortunately there are evil people who want to exploit it and take advantage of these innocent children.

Some who may not have been following this issue may wonder: Why are we taking these children who are illegally entering the country and actually placing them with nonfamily member sponsors who haven't been vetted? The problem is that under current law, the Border Patrol cannot turn back people who enter the country illegally from noncontiguous countries. We can from Mexico, we can from Canada, but we can't if they come from a Central American country. So that is why they have to process them and get a placement for them as they issue a summons to them and say: You have a court date in front of an immigration judge in 3 months or 6 months or a year that is going to determine whether you have a legal basis upon which to stay in the United States.

Lo and behold, this should come as a surprise to no one. The vast majority of these people who illegally enter the country in this way never show up for their immigration hearing in front of a judge to determine whether they have a legal basis to stay. Indeed, because the Obama administration and ICE—Immigration and Customs Enforcement that is responsible for enforcing our immigration laws—because they simply have quit enforcing our laws once people enter the country, unless of course you have been arrested for some serious crime, this is actually a way to thread the needle and to beat the system and to succeed in illegally staying—immigrating and then staying in the United States.

Here again today I wish to focus on once these children are here, and I would think every person with a heart would want to say: Well, we have a responsibility to take care of them, at least until we can return them back home.

So I am grateful to the junior Senator from Ohio, Mr. PORTMAN, for dedicating his time and energy into investigating such an important issue. I commend him for his leadership in doing so in a bipartisan way. I think most of us can agree with the main point that he raised this morning, which is that the administration has a duty to ensure the safety of these children once they are in the country. I would hope all people of good will would agree, whether they have a legal duty or not, they have a moral obligation to make sure these children are safe and not place them, because of negligence or inadvertence or just recklessness, in the hands of people who will exploit them and abuse them.

The subcommittee also released an important report in conjunction with this morning's hearing after a months-long investigation. The report confirms that HHS placement policies are—surprise—wholly insufficient and fail to adequately screen sponsors. They know they have a problem. They just don't have the will to do anything about it.

This is unacceptable. This is unacceptable that Health and Human Services knows its own placement process does not even come close to foster care or international adoption standards. For the safety and protection of these children, the status quo cannot continue.

I hope somebody will ask the President of the United States about this, because when we tried to pass a piece of legislation called the HUMANE Act to deal explicitly with this issue to raise the screening standards for sponsors here in the United States for these unaccompanied children, the administration and the President of the United States opposed it, and this is what they get. This is what they get—certainly not what they deserve. This is something anybody could have predicted and indeed did predict at the time if we did nothing to address it.

So what these children need now, as Senator PORTMAN's report suggests, is certainly a more transparent process with robust oversight. That sounds kind of bureaucratic, but what we need is somebody who can make sure that no child is placed with somebody who is going to abuse them, exploit them or make their life a living hell while they are here. We also need to make sure they are given an opportunity to appear in front of an immigration judge because maybe they have some legal

basis upon which to claim a right to stay in the United States under current law—but maybe not—and maybe the proper recourse is for these children to be returned to their home country. We have had this experience before, where there is no enforcement of our immigration laws when people know they can penetrate our border and come here and successfully stay, even though they don't comply with the law. Our laws lose all deterrent value; in other words, where there is deterrence, people don't come in the first place because they realize the likelihood is that they will be unsuccessful. That is an important goal of law enforcement. It is not necessarily to deal with every case once it is on our doorstep, but actually we want to deter people from breaking the law in the first place. That is why enforcement is so important.

So I wanted to come to the floor and express my appreciation to Senator PORTMAN and his subcommittee for highlighting this issue but even more importantly to make sure that somehow, some way, somebody in the press, in the media is going to keep writing about this and exposing the facts. I hope we can reawaken the conscience of the Congress and the U.S. Government and say that this is simply unacceptable and we can work together to address it.

We must do more to protect these children who are vulnerable to exploitation. Back in November I joined the chairman of the Judiciary Committee in a letter to the Secretary of Homeland Security and Health and Human Services. This was in response to a whistleblower who indicated those Departments were releasing unaccompanied children to criminal sponsors, many with ties to sex trafficking and human smuggling enterprises.

Unfortunately, recent news reports have just reinforced how broken the system is. Earlier this week, the Washington Post published an indepth account of several young Guatemalan children who were smuggled to a farm in Ohio to be used as slave labor after authorities released them from human traffickers. So these children from Guatemala went from being trafficked to being basically indentured servants for slave labor in Ohio. Instead of keeping them in protective custody in an HHS shelter or placing them in a suitable safe environment, these children were reportedly forced to live in roach-infested trailers and their lives were threatened if they attempted to escape.

This is a gut-wrenching story, but it is only one story. This Senator dares to say that the U.S. Government, Health and Human Services, and the Obama administration can't tell us how many other children have been exposed to such terrible abuse and mistreatment. We are now learning that these stories are not uncommon. Of course, given the process by which Health and Human Services and the administration place these children—not with American citizens, not with even family members without vetting them—what else would be expected?

The Associated Press recently reported similar stories from across the country, including accounts of teens forced to work around the clock just to stay in a safe place to live. One young girl was reportedly locked inside her house, basically kept in a prison, and there are reports of some unaccompanied children who had been sexually assaulted by their sponsors.

With more than 95,000 unaccompanied children crossing our southern border illegally over the last 2 years, these reports likely only scratch the surface of the horrors these children are enduring. And it is not over. There are more coming every day. Indeed, we have seen that the peaks and valleys of the flow of unaccompanied children across the border are seasonal. As we get out of the winter and into the warmer months, we will continue to see these children flow across at higher levels than they are now. But there were 95,000 in the past 2 years.

This surge of children coming across our border has exposed our Nation's vulnerability to human smugglers and these transnational criminal organizations. It has shown that inadequate border security can contribute to a humanitarian crisis that endangers the lives of the children who are turned over by their parents to dangerous predators and smuggled into the United States.

Let's be clear on this point. Once these children arrive in the United States, our government has a duty to protect them and ensure they are no longer preyed upon by criminals and traffickers. But then we have a responsibility to make sure that if they can't legally stay in the United States because they have no valid claim to asylum or refugee status—our laws need to be enforced until those laws are changed by Congress.

The United States could see a new surge of these children pouring across our southern border in the coming months. In fact, I will predict here today that we will. We know from historical trends that these types of surges are not likely until the spring or summer months. We shouldn't just stand around here or sit on our hands and ignore this growing crisis.

There is a legislative response that I would recommend to my colleagues. I was proud to sponsor a piece of legislation last Congress called the Helping Unaccompanied Alien Minors and Alleviating National Emergency Act, or the HUMANE Act in short. This legislation would require all potential sponsors of unaccompanied children to undergo a rigorous biometric criminal history check. Let's check to make sure the government is not placing these kids with known criminals. There are records we could easily discover if we just bothered to check those records and to make sure we don't inadvertently place these children in the hands of sex offenders or people who will merely traffic them to someone else.

Given the clear threat these children face and the anecdotes which I have described here and which are described in horrific fashion in Senator PORTMAN's report, it is irresponsible for us not to do something about this while we can. There is more we can do and should do to ensure that these children are treated safely and securely while they are with us. I believe the provisions of my legislation would be a good start. If anybody has a better idea, I am certainly willing to hear and work with them.

Before we see another humanitarian crisis of huge proportion of young children coming across our borders, I hope the Senate will take a look at the concerns exposed in the Permanent Subcommittee on Investigations report led by Senator PORTMAN.

I look forward to reintroducing the HUMANE Act soon as a way to at least in part begin the process of addressing this new humanitarian crisis in the making.

Mr. President, I see no one wishing to speak, so I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. HOEVEN. Mr. President, this morning I discussed two amendments that I have submitted in regard to the current energy legislation, the Energy Policy Modernization Act of 2015.

I would like to talk about a third amendment that I submitted as well. The amendment actually follows legislation that I introduced earlier entitled the ''empower States amendment.''

Essentially what the ''empower States'' legislation does is it ensures that States retain the right to manage oil and gas production in their respective State. It gives them the ability to develop hydraulic fracturing rules and to respond first to any violation that might occur, rather than having a Federal one-size-fits-all approach. This is very important, because how we produce oil and gas in States such as North Dakota is very different than how we might produce oil and gas in a State like Louisiana, for example, or some other State. So States have to have the flexibility to respond to their industry to provide regulatory certainty and to empower that investment that will help us produce more energy and do it with good environmental stewardship.

This amendment also allows States to regulate oil and gas development on Bureau of Land Management lands if the State has laws and regulations in place to protect both public health and the environment.

As I said, it takes a States-first approach because individual States are the first and best responders to oil and gas issues. They know their land, their geology, their water resources, and they have a primary stake in protecting their environment and their citizens.

States such as North Dakota have been successful in developing oil and gas production with good environmental stewardship. Right now our State produces about 1.2 million barrels of oil a day, second only to the State of Texas.

With that growth in development, our industry has had to work very closely with the State of North Dakota on a whole gamut of issues that are vitally important—not only, as I said a minute ago, in terms of producing more energy but doing it with good environmental stewardship. So that is what this legislation is all about.

At the same time, this amendment provides a safety net that allows the Environmental Protection Agency, or the EPA, to step in if there is a danger to health or the environment. Again, it is about making sure that States have the primary role, but it still recognizes the EPA's role as well in terms of protecting the environment and good stewardship.

States would still be subject to the Safe Drinking Water Act and the Clean Water Act. These Federal laws have minimum standards for all States, and those minimum standards ensure consistent protection between and among the States for both the public and the environment.

Surface water is protected under the EPA's Clean Water Act surface water quality standards. Drinking water is protected by the Safe Drinking Water Act, which allows the EPA to act if a contaminant is present or likely will enter an underground drinking water source.

Hydraulic fracturing wastewater is regulated by the EPA's underground injection program, which is designated to the States to implement and enforce. That is what we are talking about, again—the State having the primary role in regulation of hydraulic fracturing.

The EPA requires a State to have a minimum requirement in terms of protecting underground injection from endangering drinking water sources. This concludes inspection, monitoring, recordkeeping, and reporting requirements. None of those requirements would change under this amendment.

Instead, this amendment gives the States and tribes more certainty about under what circumstances the EPA may withdraw or amend a State's regulation. Again, it is about making sure we have the regulatory certainty out there that actually empowers the very investment that helps us produce more energy and do it with good environmental stewardship. It ensures that if the EPA does decide to intervene, it must show that its action is necessary and that the decision takes into account factors such as job loss and energy supplies.

It will help States retain the right to regulate hydraulic fracturing within their borders. That makes sense, as I say, because States are the first and best responders to oil and gas issues and have been successful in developing oil and gas production regulations.

It would also allow a State to regulate hydraulic fracturing on Federal lands, such as BLM lands, as I mentioned earlier. In addition, though, the amendment would prohibit new burdensome Federal rules if a State or tribe already has those rules in place.

Again, the effort here is to make sure that we are empowering States to work with their industry and then, in turn, empowering those industries, through regulatory certainty, to help develop our energy future in this country and do it with good, consistent, commonsense regulation that empowers the kind of investment that we want to see for job creation and economic growth.

Finally, the amendment allows for judicial review. It allows a State or tribe to seek redress for an agency's actions in a Federal court located within the State or the District of Columbia. Judicial review is very important in case there is a dispute in terms of what the EPA may require, what the State may require or what the industry feels is fair treatment.

In conclusion, the legislation recognizes that States have a long record of effectively regulating oil and gas development, including hydraulic fracturing, with good environmental stewardship. The measure works to ensure that the rules for hydraulic fracturing are certain, fair, effective, and environmentally sound. These are qualities we expect in good regulation.

As I said at the outset this morning in introducing a number of these amendments, to build the kind of energy plan for the future that we need we have to reduce the regulatory burden and at the same time empower the investment that will help us build the energy infrastructure we need to move energy safely and cost-effectively from where it is produced to where it is consumed in this country.

With that, I look forward to working with both the chairman of our Energy and Natural Resources Committee, who is bringing this legislation forward, and the ranking member in offering these amendments, voting on these and other amendments, and trying to get to the best product we can in terms of strengthening the energy plan for this country.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

REMEMBERING SUSAN JORDAN

Mr. COATS. Mr. President, I come here during a sad time for Hoosiers. The beloved principal of Amy Beverland Elementary School in Lawrence Township, in the Indianapolis area, was seeing her students off after a day of school. A bus came around the corner to pick up the kids and accidentally lost control. The principal of Amy Beverland Elementary School, Susan Jordan, saw the bus coming, saw that it was going to hit the students, and put herself in front of them, and saved the lives of her young students. Two were injured seriously but will recover, but Principal Susan Jordan lost her life in doing this. The situation is still under investigation, but all elements and indications point to this as simply a tragic accident.

This story is not just one of tragedy, it is also one of heroism. As I said before, the bus struck her as Principal Jordan pushed several of her students out of harm's way. The principal, who came out of her office at school every day to help the students safely board the buses, lost her life in doing so. Those who knew her well—said that was not a surprising act. ''It didn't surprise any of us Susan would sacrifice herself,'' said the district administrator for Lawrence Township. Shawn Smith, superintendent of the Lawrence Township schools, called Principal Jordan ''a legend'' and said that ''we lost a great educator.''

Susan Jordan served as principal of the school for 22 years. She was known for her cheery disposition and welcomed each classroom every morning.

The Gospel of John tells us that ''greater love has no one than this: to lay down one's life for one's friends.'' The love that Susan Jordan had for her students should be an inspiration to us all.

We offer our deepest condolences to Principal Jordan's family and friends, to the students who were injured and their parents, and to all parents and students of the school. I know I join with all Hoosiers in mourning her loss and celebrating the life and impact of this talented, compassionate educator who paid the ultimate price for the students she loved so dearly.

WASTEFUL SPENDING

Mr. President, I rise to address something I have been doing on a weekly basis called ''Waste of the Week.'' This is No. 31 of my visits down here to the floor to talk about the egregious waste, fraud, and abuse in spending by the Federal Government.

We hear so often that we just can't cut another penny, we just can't cut another dime out of this program because they have been subject to freezes or they have been subject to sequester, and, besides, we don't have the money to pay for it. Well, I have been highlighting small steps—because we haven't been able to achieve the big steps—small steps of ways that we can save taxpayer money and address Federal spending. So I have come down

every week, and put up the board ''Waste of the Week,'' and this week deals with a situation, once again, where we don't need to be in a position to spend taxpayers' dollars on what was already being done.

The Amtrak Police Department and the Drug Enforcement Administration participate in a joint task force that works to interdict passengers who are trafficking contraband on Amtrak trains. Amtrak information is available to the Drug Enforcement Agency at no cost from the Amtrak Police Department—two agencies that are working together. But despite this agreement, the DEA wasted hundreds of thousands of taxpayer dollars paying just two Amtrak employees to do exactly what this task force was formed to do. So we have a task force of paid employees who are there for a specific purpose—providing information to DEA. The DEA says this is important information, but the task force also uses informants. These are people who work for Amtrak on the trains, and some of the information they provide is valuable.

According to an investigation by the Justice Department's inspector general, the DEA paid two Amtrak employees a total of—are you ready for this? Are you sitting down? Two paid Amtrak employees are getting a salary, they work for Amtrak, The DEA paid them a total of $864,161 for information they have been providing to Amtrak and then giving to the DEA. The information probably was important, but over a period of 20 years, these payments went out to just two employees, this $864,000-plus.

The IG's investigation concluded that when DEA officials sought approval to register these Amtrak employees as informants in the DEA's Confidential Source Program, the required documents did not indicate that these informants would be paid.

Let me stop for a minute and say that confidential sources are an important tool for our law enforcement agencies. Officials at the DEA actively use confidential informants to obtain information regarding drug trafficking or investigations. Some DEA officials have said they consider the information the confidential sources provide as the ''bread and butter'' of the agency.

My point today is not to question the use of confidential sources but to point out that Federal agencies like the DEA don't need to pay for information they already have access to. This is a waste of taxpayer dollars and poor stewardship of limited resources that fall in the category of ''waste of the week.''

Twenty years of the DEA paying for information that they were already supposed to receive at no cost without a second thought indicates a serious, systemic spending problem that spans multiple parties and Presidents. We must pull the plug on this type of waste. So today I add an additional $864,161 to the taxpayer price tag for this already free information from Amtrak employees. We continue to add more, our gauge continues to rise, and we now are well over $130 billion of waste, fraud, and abuse.

So let no one come down to this floor and say we can't take a penny away from this program or come down to the floor and say we don't have the money to pay for things that we ought to do or to return to the taxpayer. I am trying to show that government can be run much more efficiently and effectively.

I applaud the inspectors general and others who are looking into this waste, but I want to bring to my colleagues' attention the fact that we have a lot of work to do, chipping away at this spending and waste and also looking at long-term, major financial fixes to our ever-careening plunge into debt and deficit.

Mr. President, I yield the floor.

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

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

Mr. NELSON. Mr. President, I ask unanimous consent that I be able to display for the Senate a model of the space shuttle.

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

Mr. NELSON. Mr. President, I ask unanimous consent that I be granted as much time as I might consume.

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

REMEMBERING THE CREWMEMBERS OF THE SPACE SHUTTLE ''CHALLENGER'', THE SPACE SHUTTLE ''COLUMBIA'', AND ''APOLLO 1''

Mr. NELSON. Mr. President, 30 years ago today, it was very cold in Florida at the Kennedy Space Center. Both pads had been readied for the first time—a space shuttle on 39A and 39B—since the Space Shuttle *Columbia*, which was the 24th flight, was so late getting off the ground—indeed, for the better part of the month, from the first start and four scrubs starting December 19 but finally launching after the fifth try into a flawless 6-day mission on January 12, to return to Earth on January 18. In the meantime, on the other space shuttle launch pad, *Challenger*—the 25th flight—is being readied.

The night before the day of the launch, which is 30 years ago today, it was exceptionally cold in Florida. It got down to 25 degrees. Indeed, there were actually icicles hanging on the launch tower. As the crew arrived in the early morning hours—and there were holds all the way up until a little bit past 11 o'clock. At this point, the temperature had improved to 36 degrees. The icicles were still there, but it was above freezing. There was considerable consternation throughout the entire apparatus of NASA and its contractors—particularly the top managers, as well as the managers of the company that made the solid rocket boosters—as to whether there should be a launch, and the go was given.

Seventy-three seconds high into the sky above Florida, *Challenger* disintegrated. To a nation that had come to think that climbing in the space shuttle was like getting in your car and taking a Sunday afternoon drive, indeed this was quite a shock because the entire technological prowess of the country 30 years ago was summed up in this magnificent flying machine that would go to orbit and would come back and would take 45,000 pounds of payload to orbit and would come back and land like an airplane, albeit without an engine. But that morning, it was to be different.

The only other astronauts we had lost were in getting ready for the Apollo program to go to the Moon. On the pad, in just a countdown test of the Apollo capsule—and the environment was an oxygen-rich environment. One of the three astronauts doing the practice countdown happened to kick a part of the spacecraft that had a wire that set an ignition, and in that oxygen-enriched environment, fire engulfed and claimed the lives of Gus Grissom, Ed White, and Roger Chafee.

All those years when we did not even know what was going to happen when we went into space—when we launched John Glenn on that Atlas rocket that we knew had a 20-percent chance of failure—we didn't know enough about the human body in zero gravity and at those speeds to know what was going to happen to the human body. In all those years of experimentation and going to the Moon many times—even on the ill-fated *Apollo 13* where we thought we had three dead men in the Apollo capsule when that explosion occurred en route to the Moon, and yet miraculously this space industry and NASA apparatus came together and figured out real-time how to get them back and get them back safely, a crew headed by Jim Lovell. But it was not to be on the morning of January 28, 1986.

I have a scale model of 1 to 100 of the space shuttle, and I want to explain what happened that morning. As *Challenger* launched, it went through its sequence where they had to throttle back on the main engines as they went through part of the atmosphere getting maximum dynamic pressure, and then those famous words that came back from the crew that they were acknowledging: Go at throttle up.

The three main engines ignited a burning in the tail of the space shuttle, fueled by liquid hydrogen and liquid oxygen contained in the external fuel tank. They throttled up to 100 percent, and it was straight up and accelerating.

Here is what happened at 73 seconds. The solid rocket boosters are attached by struts to the external tank, which does not hold their fuel. Their fuel is a

solid fuel. It has the consistency of the eraser on this pencil. Those ignite at T minus zero, each with about 3 million pounds of thrust. You definitely know you are going somewhere. But the cold weather had dealt us a devil's brew that day. These joints where they put together the solid rocket booster are sealed with a rubberized gasket, and those rubber O-rings, because of the cold weather, had gotten stiff and brittle to the point at which it just so happened that at a point close to the external tank, the hot gases of thrust, instead of coming out the nozzle in the tail of the solid rocket booster, are coming out because the joint is not sealed because of that rubberized O-ring that has now become stiff and brittle from the cold weather, and the hot gases burned into the external tank, and that caused the explosion that all of us remember. That was played over and over on our television screens. That was what was such a shock to the American people.

Those seven souls—led by Dick Scobee as the mission commander, a test pilot; and by Mike Smith, the pilot in NASA terminology, the copilot, a test pilot; Christa McAuliffe, the schoolteacher from New Hampshire; Greg Jarvis, a payload specialist; Judy Resnik, a mission specialist; Ron McNair, a mission specialist; and Ellison Onizuka, a mission specialist—those seven souls perished as all of the explosion fell miles and miles down to the surface waters of the ocean and eventually the debris on the floor of the ocean.

There is a dramatic presentation at the Kennedy Space Center in the Atlantis exhibit showing a part of the *Challenger*, and I would urge anybody who goes to the Kennedy Space Center to go and see that. It is a very moving exhibit. It is an exhibit about the crew. That exhibit is not only about the *Challenger*, which was 30 years ago, that exhibit is about the next space shuttle that we lost. That was some 16, 17 years later, and it was on February 1, 2003. It was the Space Shuttle *Columbia*, the one that had launched just previous to the *Challenger* and the one on which this Senator was privileged to be a part of the crew, but this time it was destroyed for a different reason. It had launched a couple of weeks earlier and everything was fine, or so we thought, but it was not to be. During the launch, the external fuel tank that was carrying the very cold liquid hydrogen and liquid oxygen—in order to keep that cold, it is surrounded with insulation—had part of its insulation break off. It is about the size of an insulated Styrofoam tub. It is about this big, and that small piece of insulation broke off right here as *Columbia* was on ascent. As it accelerated and the speeds became very high, that piece of foam fell with high velocity right at the leading edge of the left wing. That is a carbon-carbon fiber very light in weight but very resistant to heat. Upon reentry, the front engines of the wing and the tip of the nose, all carbon-carbon fiber, get up to 3,000 degrees Fahrenheit. Of course everything was fine at that moment, even though there was a hole in the left leading edge of the wing during *Columbia*'s 8½-minute ascent into orbit.

When it was time to go home on February 1, this crew of seven was about to meet their fate. As they were doing their deorbit burn, falling through space for half an hour and encountering the upper reaches of the atmosphere, the hot gases got in the leading edge of the wing—the orbiter had separated and was flying more like an airplane on descent—and heated it up, causing *Columbia* to burn up upon reentry. As a result, debris fell for miles and miles high over Texas.

Rick Husband, the commander; Willie McCool, the pilot; Mike Anderson, payload commander; David Brown, mission specialist; Kalpana Chawla, mission specialist; Laurel Clark, mission specialist; and Ilan Ramon, payload specialist. As the test pilot and hero of the Israeli Air Force that led the strike on Saddam Hussein's nuclear plant outside of Baghdad, Ilan Ramon had been chosen to fly on the space shuttle.

I remember when I met with the former President of Israel, Shimon Peres, the day before the reentry. He knew of my background, and he said: I want you to see this telecommunication that I got from Ilan Ramon. It said: Mr. President, on behalf of the Israeli people, I want to thank you for giving me this opportunity. The fact that you and then President Clinton have enabled me to be able to start in this astronaut program and fly in this mission is just incredible.

President Peres shared how that was so meaningful to him only a few hours before *Columbia* did its deorbit burn and went into the pages of history.

So it is with a heavy heart that I come to the Senate floor on the 30th anniversary of the *Challenger* tragedy to pay tribute to the *Challenger* crew and also to the *Columbia* crew. It is solemn, but what they and the *Apollo 1* astronauts sacrificed—and what so many other astronauts in training have sacrificed through training mishaps—is not forgotten and it is not in vain because we are going to Mars.

It is not going to look like this because we learned our lesson. This was a fantastic flying machine, but it was an inherently risky design because the crew in the orbiter is on the same side as the stack of explosives, which resulted in two terrible tragedies that occurred. The new American rockets that will fly in September of 2017—in less than 2 years—to and from the International Space Station look like they have gone back to the old Apollo design, but, in fact, the new rockets have updated crew compartments in the spacecraft that will sit on the top of the rocket so that in the event of an explosion, even on the pad or all the way into orbit, you can save the lives of the crew by detaching the explosive rockets from the spacecraft and getting them safely away from the explosion. It will save the crew either by landing under its own power or having parachutes that will let it down gently.

The fact is that by our nature we are explorers and adventurers, and we never want to give that up. It is a part of our DNA, it is a part of our character, and it is a part of our vision. We used to go westward as we developed this country into that new frontier. Now we will continue to go upward. We are going to Mars in the 2030s, and that is going to be a great day in that decade.

You will see us build on that in 2 years. Americans will have launches on new spacecrafts which will be on the top of rockets and in 3 years a full-up test of the largest rocket ever put together by mankind on the face of this planet, the space launch system and its spacecraft, *Orion*. It will have its first up test flight in 2018.

So in the memory of the *Challenger* crew, the *Columbia* crew, and the *Apollo 1* crew, we stand on their shoulders as we continue to explore the heavens. We thank them for their courage, their sacrifice, and their pioneering spirit. That is what I wanted to share on this 30th anniversary of the tragedy of the Space Shuttle *Challenger*.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I ask unanimous consent that following my remarks, Senator BROWN of Ohio be permitted to speak.

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

STUDENT DEBT CRISIS

Ms. BALDWIN. Mr. President, I come to the floor today because I think that higher education should be a path to prosperity, not a path to suffocating debt; however, today in America we have a student debt crisis that demands action from Washington because it is holding back an entire generation and creating an economic drag on the growth of our country.

Unfortunately, the Republican majority here in the Senate continues to ignore this crisis at a time when we really should be working across the party aisle to put in reforms that make college more affordable for students and their families who are struggling and in desperate need of action. That is why last week Senate Democrats officially launched our ''In the Red'' campaign in order to confront the student debt crisis and address college affordability.

Our legislative reform package includes three commonsense initiatives that deserve to be debated and deserve a vote. First, we are calling for action to address the significant loss in value of Pell grants by adjusting them for inflation; second, we are pushing to allow borrowers to refinance their existing student loans at lower rates; and third, we are making 2 years of community college or technical school free for students who are willing to work for it.

In his State of the Union Address—not the one he gave a couple of weeks ago but the one he gave last January in 2015—President Obama called on us here in Congress to make a bold investment in our Nation's students, in our Nation's workforce, and in the future of our economy by making 2 years of community college free.

In July, I answered that call and introduced legislation, the America's College Promise Act, aimed at providing students with a stronger and more affordable opportunity to gain the skills they need to compete, succeed, and prosper by making an investment in our workforce readiness, our economy, and our future. I am proud that this legislation is a pillar of the Senate Democrats' effort to reduce student debt in 2016 and to put our country on a path toward debt-free college. Learning from successes in States such as Tennessee and Oregon, the America's College Promise Act will create a new partnership between the Federal Government and States to help them waive resident tuition for 2 years of community or technical college programs for eligible students. This new partnership will provide a Federal match of $3 for every $1 invested by the State to waive community college tuition and fees for eligible students. With this legislation, a full-time community college student could save an average of around $3,800 in tuition per year.

As cochair of the Senate's career and technical education caucus, I am especially proud that this reform takes a critical step to strengthen workforce readiness at a time when America needs to out educate and compete with the rest of the world in a 21st century skills-based economy. The idea that the next generation will be able to go further and do better than the last is at the heart of the American dream, and the solutions that we are offering today deserve a vote in this Congress.

It is my hope that our colleagues on the other side of the aisle will join us in confronting the student debt crisis and supporting these commonsense reforms that not only make higher education affordable but can help give more Americans a fair shot at pursuing their dreams.

I thank the Presiding Officer, and I yield back my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank Senator BALDWIN, especially for her terrific work on higher education. She knows the value of higher education to the residents of Wisconsin, Louisiana, and Ohio.

I ask unanimous consent that after my remarks, the next speaker be Senator REED of Rhode Island.

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

EARNED INCOME TAX CREDIT AWARENESS DAY

Mr. BROWN. Mr. President, tomorrow is Earned Income Tax Credit Awareness Day—a day, as we approach the tax season, for getting the word out about this tax credit that is a lifeline for working families.

The EITC provides an incentive to work. It puts thousands of dollars back into the pockets of low-wage and moderate-wage workers every year. President Reagan called it ''the best anti-poverty measure to come out of Congress.''

The work that Senator REED and others and I did on the earned-income tax credit this year to permanently expand it was called by some organizations the most important anti-poverty initiative, except for the Affordable Care Act, in the last 20 years that Congress has done.

Last year 27 million American households—950,000 households just in my State alone, in Ohio—claimed the EITC and received an average refund of $2,400. So for somebody making $15,000 or $20,000 or $30,000 a year, when they file their taxes in February or March, they literally can get a check from the Federal Government, on average—I am not promising everybody specific amounts because each situation is different—on average, they will get a check for $2,400.

One of the best things this body did last year was to permanently expand the earned-income tax credit, but there is still more we need to do. There is one glaring hole in the program we need to fix. Under current law—back up a little bit.

The earned-income tax credit was aimed primarily at families with children but not entirely. Under current law, workers without children, somebody making $15,000 a year or somebody making $11 an hour, making $22,000, $23,000 a year but having no children—no spouse, no children—those workers making minimum wage barely receive any earned-income tax credit. Childless workers under 25 don't qualify for these credits at all. That means that a young worker—somebody making $9 or $10 an hour without children—can actually be taxed deeper into poverty. Why is that? Well, if a worker is making $9 an hour working full time—doing their best, not getting paid much—they are paying the payroll tax, the Social Security tax. The taxes they pay actually push them down below the poverty line. Why would we possibly in this country—we say in this body we value work. We say we care about people who are working hard and playing by the rules and we want them to get ahead, but then we fail to provide that earned-income tax credit and we tax them back below the poverty line. Why would we do that? Part of the reason is that last year when we were successful in expanding the earned-income tax credit permanently, there was resistance from some sort of ultraconservatives in this body—some tea party Republicans—there was resistance to expanding it to these workers who are working hard but don't have children. How are they going to plan families or plan for the future if they are always struggling paycheck to paycheck and get no help?

We need to do more to ensure that families who are currently eligible know about the EITC. Right now, even with the discussion—I appreciate the Presiding Officer from Louisiana and his interest in this. I know people in Louisiana, like people in Ohio—not everybody knows about it. One-fifth of families in this country who are eligible, who can claim the earned-income tax credit when they file their taxes, 20 percent of them don't know and don't file for it. That means those 20 percent are leaving about $2,000 on the table that they could use to fix their car or pay off a payday loan, buy their kids shoes or maybe occasionally go out to a restaurant once a month and get a nice dinner.

With Federal tax filing season opening last week, we need to make sure that every American gets as much of her hard-earned money back into her pocket as possible; that every American gets as much of his hard-earned money back in his pocket as possible. We need to get the word out about tax credits that working families can claim and the services available to help them get their maximum refund. Filing taxes is complicated, and it can be particularly challenging for families claiming the earned-income tax credit, but getting help doesn't need to be expensive. Here is how.

One tool that is available is the IRS Free File Program. If you go to the irs.gov Web site or, if you live in Ohio, go to the brown.senate.gov Web site and type in your ZIP Code, the commercial partners of the IRS offer free brand-name software to individuals and to families with incomes of $62,000 or less.

For families claiming the EITC, they can visit what is called the Voluntary Income Tax Assistance—the VITA site—the Voluntary Income Tax Assistance site. Go into brown.senate.gov if you live in Ohio or go to irs.gov, type in your ZIP Code, and you can see what VITA sites are available.

Someone just told me yesterday they entered their ZIP Code and found out that a VITA site—the Voluntary Income Tax Assistance site—was within walking distance from her home. Ohioans, as I said, can go to my Web site, brown.senate.gov, type in their ZIP Code, and they will find a map and the nearest site.

VITA sites are not only free, they are more reliable. The majority of EITC errors result from returns filed by paid tax preparers. All VITA volunteers are trained by an organization partnering with the IRS.

So if you make less than $60,000 a year, you can go to one of these VITA sites, the Voluntary Income Tax Assistance sites, and you will find out—they will do your taxes with you for free, and they will find out if you are eligible for the earned-income tax credit. If you are eligible for the earned-income tax credit this year and you didn't file, it is possible you can claim your tax credit from calendar year or

tax year 2014 also. So you may get a $3,000 credit this year—a check. You may get another $2,000 for last year. It is money you earned. It is money you earned because you worked hard, you did your best, you maybe only made $25,000 a year, but you are eligible for this tax credit.

Millionaires and billionaires and Members of Congress and people who are doing pretty well financially in life, most people like that have an army of lawyers and accountants and people who do their taxes for them, and they claim every possible tax credit, every possible tax deduction, every possible tax advantage they can get. People who fill out their own earned-income tax credit—their own taxes, if they are making $20,000 or $30,000 a year, don't have that sophistication and don't have the money to hire those lawyers and accountants, so oftentimes they are not getting every tax credit or every tax deduction they can get. That is why it is so important for people to visit these VITA sites and it is why it is so important that people have that opportunity.

We need to ensure that working families know about the resources available to help them claim their refunds, including the earned-income tax credit and the child tax credit—refunds that, I repeat, they have earned. We reward work. We give people a little help when they are working hard for low wages. We should raise the minimum wage. We should do some other things. We should push the Department of Labor to move a little faster on its overtime rule so people who are working more than 40 hours are getting time and a half that they have earned. As much as wages have been stagnant in this country, I want to see people who are working hard be able to get ahead and get every advantage they possibly can.

This body took a strong stand in December in support of an expanded permanent earned-income tax credit and a permanent child tax credit. I hope on EITC Awareness Day we will recommit ourselves to doing the same thing this year.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first let me commend Senator BROWN for his very thoughtful and articulate comments on the earned-income tax credit.

Mr. President, I am very glad that the Senate is taking up the issue of energy this week. The bill we are debating takes positive steps forward to encourage energy efficiency in Federal and commercial buildings, modernize the electric grid, and boost renewable sources of energy.

I am particularly pleased that provisions I have worked on, on a bipartisan basis with Senators COONS and COLLINS, to enhance the Weatherization Assistance Program and the State Energy Program are included. These provisions improve these programs that help low-income Americans reduce their energy bills by making their homes more energy efficient, and many of these individuals are senior citizens who are day-by-day struggling on fixed incomes, trying to pay not just a heating bill but the grocery bill and many other bills. I have long championed these cost-effective programs that are helping families across my State and across the Nation to provide a warm and safe home while also increasing energy efficiency.

Indeed, weatherization to me is one of the most sensible steps. It is in some respects the low-hanging fruit. If we can reduce demand, then we can go a long way not only in terms of our energy situation but also our environmental situation.

We are here today because of the great work of the Chairwoman, Senator MURKOWSKI, and the Ranking Member, Senator CANTWELL. They have done an extraordinary job. I am not surprised, as they are extraordinary Members of this body. I want to personally thank them and commend them for what they have done not just in this effort but in many other efforts. Indeed, I have joined Senator CANTWELL as a cosponsor of her bill that goes so much further than the current bill on the Senate floor to modernize our current electrical infrastructure and promote greater use of domestic energy and renewable energy. I would like to extend my thanks and commendations to both Senators.

One area that I believe needs further focus as we move forward is the issue of energy storage. I am glad to be working with my colleague from Nevada, Senator HELLER, on amendments that support more efficient use of Federal funding for energy storage research at the Department of Energy and encourage energy storage usage in public utilities.

Advances in energy storage, advances in batteries—and sometimes it is the same thing—can help improve the reliability, resiliency, and flexibility of the grid as well as reduce the potential for future rate increases, saving us all money on our utility bills.

Senator HELLER and I have submitted two amendments that we hope will spur action in this area. One amendment would give the Secretary of Energy the ability to coordinate energy storage research and development projects among the existing programs at DOE to maximize the amount of funding that goes toward research and minimize administrative costs. We feel it does not have that flexibility at the moment.

I also joined Senator HELLER in offering another amendment, in which he is indeed the lead sponsor, which amends the Public Utility Regulatory Policies Act so industry and State regulators must consider energy storage when making their energy efficiency plans.

I also, in addition to these proposals, would like to use this opportunity to encourage greater attention to the financial impacts of climate change caused by energy consumption. It is clear not only that the SEC needs to do more when it comes to critically reviewing disclosures being filed by publicly traded companies, but also that the SEC's disclosure industry guides for mining companies and oil and gas companies should be updated to reflect the growing risk of climate change to these companies and, in effect, to their shareholders.

That is why I am offering an additional amendment that directs the SEC to update these industry guides as well as to consider and incorporate appropriate suggestions from the United Nations Environment Programme Finance Initiative's report entitled ''Climate Strategies and Metrics: Exploring Options for Institutional Investors,'' which was published in 2015.

These disclosures are important to institutional investors such as Allianz Global Investors, for example, which is a global diversified active investment manager with $477 billion in assets under management, which has specifically called for ''achieving better disclosure of the effects of carbon costs on the oil and gas companies.'' What we are trying to do is respond to the growing demand of investors and shareholders so they can make better judgments about their investments.

It is also important for us to continue to invest in our energy infrastructure and support cutting-edge technological advancements while effectively monitoring the effects of our energy consumption on our economy and our environment. One way of doing this is once again to have assurances that investors have the knowledge they need to make wise decisions about their investments.

All told, this is very responsible and appropriate legislation. We can make improvements. I hope the amendments I have proposed, along with Senator HELLER, can get favorable consideration as we move forward.

Once again, let me thank Senators MURKOWSKI and CANTWELL for extraordinary leadership.

With that, Mr. President, I yield the floor.

Mr. DAINES. Mr. President, modernizing our Nation's energy policy is vital to protecting our national security. The bill that we are discussing today advances our Nation's energy independence and provides for new measures to defend our critical infrastructure. Specifically, cyber threats challenge the security of our Nation and the integrity of our energy infrastructure. This bill will formally introduce the foundational principles of cyber security into our Nation's energy security calculus.

However, challenging the Department of Energy to enhance the cyber security of our Nation's electric grid is not enough if the Department of Energy does not have the requisite cyber experts to fulfill the mission. The amendment I submitted today, amendment 3119, will address the gap between the Department of Energy's mission to

keep our Nation's energy infrastructure safe from cyber attacks and the Department of Energy's ability to actually do it.

Currently, the bill provides for a 21st Century Energy Workforce Advisory Board composed of nine members. The purpose of this board is to anticipate the needs of the future energy workforce. While the bill requires that the board members be representative of disciplines such as labor organizations, education, and minority parties, nowhere does the bill require that a single member of the board have any background on cyber.

My amendment requires the membership of the 21st Century Energy Workforce Advisory Board to include representation from the cyber security discipline. This amendment better positions the advisory board to integrate cyber security into the energy sector's workforce development strategy for the 21st Century and ultimately provides a mechanism to bring cyber security expertise to the energy sector.

Hardening the electric grid and the Nation's energy supply chains against cyber security threats is a critical component to protecting our national energy infrastructure. This amendment lays the foundation to ensure that the Department of Energy has the right cyber security experts to defend these vital national security assets.

I urge my colleagues to join me in supporting this important amendment.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMBASSADOR NOMINATIONS TO NORWAY AND SWEDEN

Ms. KLOBUCHAR. Mr. President, I came to the Senate floor earlier this month to talk about the importance of moving forward on the nominations of the Ambassadors to two important allies to the United States of America, and that is Norway and Sweden. These are countries that have been our true friends through many wars. They have been our true friends economically—some of the top investors in America—and they have been countries that are good examples of democracy and good examples of countries that believe in human rights. Yet we have not been able to confirm an ambassador to either country.

I do want to, first of all, say that in the case of Sweden, it has been 462 days since the President nominated Azita Raji to be Ambassador, and in the case of Norway, it has been 853 days since that country has had a U.S. Ambassador. I will get to those details. In this case, the nominee is Sam Heins from the State of Minnesota, where, by the way, we have over 1 million people of Scandinavian descent—1.5 million people who do not understand why every major nation in Europe has an ambassador but not these two Scandinavian countries.

I thank Senator MCCONNELL, the majority leader, and Senator REID for their work in trying to advance these nominees to the floor. They have negotiated. Senator CORKER and Senator CARDIN are both supportive of these nominees.

I think it is important to note that this is not a typical story of delay. These nominees went through the committee without any objection. They were not controversial, nor are they controversial today. It is a fact that Senator CRUZ has some issues that are completely unrelated to these nominees but also completely unrelated to Norway and Sweden. The issue is that while Senators do from time to time put temporary holds on nominees, this has gone on too long, and I am hopeful—in an article today in the Minneapolis Star Tribune about irked Scandinavians in our State, Senator CRUZ's staff has said that they are engaged in good-faith discussions with other Senators and have made clear there have been no issues raised with these particular nominees in this story. I think that is very important, and we hope we are going to move forward.

Mr. President, I ask unanimous consent to have printed in the RECORD the article from the Minneapolis Star Tribune.

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

[From the Star Tribune, Jan. 27, 2016]

MINNESOTAN SCANDINAVIANS IRKED AS TED CRUZ BLOCKS AMBASSADOR NOMINEES

(By Allison Sherry)

NORWAY HAS BEEN WITHOUT AN AMBASSADOR FOR MORE THAN 800 DAYS AND SWEDEN TOPS 400 DAYS WITHOUT A U.S. REPRESENTATIVE

WASHINGTON.—Presidential hopeful Sen. Ted Cruz is blocking a vote in the U.S. Senate to confirm the Norwegian and Swedish ambassador nominations.

The move by the Texas Republican has angered some members of Minnesota's sizable Scandinavian communities, as Norway has been without an ambassador for more than 800 days and Sweden tops 400 days without a U.S. representative.

Staffers from Cruz's office didn't say anything negative about the people appointed by President Obama to the posts, including Norway ambassador nominee Sam Heins from Minnesota. Cruz has continued to block the nominees as he has worked to build support for another initiative that is putting him at odds with the White House.

Cruz, who is critical of the Chinese government, has lobbied his Senate colleagues to rename a street in Washington, D.C., after a polarizing Chinese dissident—an idea that has been thwarted by fears of crippling diplomatic efforts between the two countries.

''Senator Cruz remains engaged in good-faith discussions with his colleagues regarding the holds he announced because of his serious concerns about the Obama administration's foreign policy,'' said Cruz spokesman Phil Novack.

The White House renewed its calls for a swift vote on the ambassador nominees.

''The president has nominated two unquestionably qualified individuals to be the U.S. ambassadors to Sweden and Norway,'' said White House press secretary Eric Schultz. ''We urge the Senate to act.''

Minnesotans closely watching the issue are angered by the delay, saying it is souring relations with two staunch U.S. allies.

''There's a crisis in a relationship between our two countries,'' said Bruce Karstadt, president and CEO of the Minneapolis-based American Swedish Institute. ''I don't really quite understand that any statement is being made other than we're ignoring you.''

Cruz's office says he remains in negotiations about lifting the procedural blocks on the nominations, citing a July 2015 letter to the Obama administration outlining concerns about the Iran nuclear deal as one of the reasons he is objecting to political appointments.

Since that letter, though, two political appointments—state appointees to Barbados and the U.N. Economic Council—have passed the Senate without Cruz's hold.

Temporary holds are relatively common and are also used by Democrats to protest administration policy. Earlier this week, for example, Massachusetts Democratic Sen. Edward Markey placed a hold on Obama's nominee to head the Food and Drug Administration unless the administration agrees to reform its process for approving painkiller medications.

Cruz's protests delaying votes on the Scandinavian ambassador nominations irks Democratic U.S. Sen. Amy Klobuchar, who points out that Minnesota is home to the second-largest number of Norwegians in the world, outside of Norway. The two nominees passed through the GOP-controlled Senate Foreign Relations Committee, so Klobuchar wants a vote on the Senate floor even if Cruz votes against them.

Klobuchar points out the business relationships between the countries and that Norway and Sweden have shouldered much of the burden of the European refugee crisis in recent years. ''It's no way to treat your friends,'' she said. ''The point is all these other European nations have ambassadors. Why would you put a hold on two of our best allies from having ambassadors?''

Democratic U.S. Sen. Al Franken said he also would increase pressure for a vote. ''We need to move on ambassador openings for both Norway—where there's a highly qualified Minnesota nominee who has yet to be confirmed—and Sweden,'' Franken said. ''I'm going to continue pressing to get these positions filled.''

Norway and Sweden are two of the largest investors in the U.S. economy. Norway is invested in more than 2,100 American companies, which amounts to about $175 billion. It also has about $94 billion in U.S. bonds and $5 billion worth of U.S. real estate. Meanwhile, the U.S. exports $9 billion in goods and services to Sweden, a country that supports about 330,000 American jobs annually, embassy officials said.

Leif Trana, a minister counselor at the Norwegian Embassy in Washington, pointed out that his country just committed to 52 fighter jets from Lockheed Martin—all of them made at a Lockheed plant in Cruz's home state of Texas.

''Norwegians have long had a great affinity for the United States,'' Trana said. ''After the E.U., this is our place where most Norwegians both travel to [and] study.''

The Norwegian post has been a beleaguered one for years.

President Obama first nominated businessman George Tsunis, a New York contributor who had raised more than $1 million in campaign cash for him. Tsunis quickly proved unqualified for the job. During an appearance before the Senate Foreign Relations

Committee, Tsunis referred to Norway's prime minister as ''president'' and could not identify potential U.S. trade opportunities with Norway. One member of the Norwegian parliament was so offended by Tsunis that he demanded an apology from Obama.

Minnesota's delegation, led by the Democrats, urged Obama to withdraw the nomination. He did, and in May 2015 he nominated Heins, a Minnesota lawyer and human rights advocate. Heins, too, was a major contributor and bundler for the president's election campaigns.

For the Sweden post, Obama nominated Azita Raji, an Iranian-born former Wall Street executive. Her nomination has been mostly uncontroversial and passed out of the Senate Foreign Relations Committee last summer.

Jon Pederson, board chairman of the Minneapolis-based Norway House, said it's shameful to play politics with the ambassador posts.

''This position is important,'' Pederson said. ''Left unfilled like this is a slap in the face to Norway.''

Ms. KLOBUCHAR. There are just a few quotes from people who are not in politics at all.

''There's a crisis in a relationship between our two countries,'' said Bruce Karstadt, president and CEO of the Minneapolis-based American Swedish Institute. ''I don't really quite understand that any statement is being made other than we're ignoring you.''

I will give another example. Leif Trana, a Minister Counselor at the Norwegian Embassy in Washington, pointed out that his country just committed to 52 fighter jets. I believe each one is over $200 million. Norway is purchasing these jets from Lockheed Martin, a U.S. company, and all of them are going to be made in a Lockheed Martin plant in the State of Texas. Imagine how many jobs this provides and that we would consider not sending an ambassador to a country that not only sees us as an ally—and is allied, by the way, in our issues we have in our conflict with Russia.

The Minister Counselor at the Norwegian Embassy goes on to say:

Norwegians have long had a great affinity for the United States. After the E.U., this is our place where most Norwegians travel to and study.

This is the last quote I will give you from this article today:

Jon Pederson, board chairman of the Minneapolis-based Norway House, said it's shameful to play politics with the ambassador posts. ''This position is important,'' Pederson said. ''Left unfilled like this is a slap in the face to Norway.''

Let's go through what has been going on—853 days in the case of Norway. The first nominee who was nominated, as explained in this article, did not go well. There were issues on both sides of the aisle. That person withdrew his name. That is part of the delay, and we will acknowledge that, but a big chunk of the recent delay is because there has been a hold—not at the committee level—that went through quickly with Senator CORKER and Senator CARDIN's guidance—but on the floor. In the case of Sweden, it has been a delay of 462 days for a noncontroversial nominee. At the same time, in the last few months, Ambassadors have been confirmed for 38 countries. Two of those were actually political appointees. They were not career, as the rumor is; two were considered political appointees. Barbados, Ecuador, Poland, and Thailand all have Ambassadors. There is an ambassador from the United States in France, of course. There is an ambassador in England, of course. There is an ambassador in Italy. There is an ambassador in Germany. There is an ambassador in Bulgaria but not in Sweden and Norway. We, in fact, have an ambassador in nearly every European nation but not in these two Scandinavian countries.

There have been no questions about the qualifications of these two nominees. I will put those qualification on the record, but I wanted to focus more on the actual countries, Norway and Sweden. They are incredibly important allies and trading partners. They deserve to be treated like other European nations. They deserve to have an ambassador from the United States of America, and it is time to get this done.

Diplomatic relations between the United States, Norway, and Sweden are almost 200 years old. For 200 years we have had Ambassadors in these countries. Holding a vote to confirm frontline Ambassadors hostage is not in the best interest of our country.

Let's start with Norway. Norway was a founding member of the NATO alliance, and its military has participated in operations with the United States in the Balkans and in Afghanistan. Norwegians work alongside Americans in standing up to Russia's provocations in Ukraine, in countering ISIS and the spread of violent extremism, and in strengthening regional cooperation in the Arctic. Norway has been especially strong on working to check Russian aggression against Ukraine.

Norway has also played an important role in the Syrian refugee crisis. Norway has a proud history of providing support to those fleeing conflict. It expects to take in as many as 25,000 refugees this year. It has already provided more than $6 million to Greece to help respond to the influx of refugees seeking a way to enter Europe.

All of us on both sides of the aisle have talked about the importance of a strong Europe during these trying times. Yet now we have no Ambassadors in two of the countries that are on the frontlines of combatting extremism and addressing the refugee crisis.

Sweden, like Norway, plays an important role in national security and on the international stage. Sweden is a strong partner and close friend of the United States, helping in our fight against ISIS, promoting democracy and human rights, and cooperating on global initiatives related to clean energy and the environment.

Sweden is a partner in NATO and is an active global leader, from its long-term investment in Afghanistan, to its role as an international peacemaker. Sweden has supported Ukraine against Russian aggression, has made significant contributions in Afghanistan, and has aided in the fight against terrorism in Syria, Iraq, Kosovo, and the current fight against ISIS.

Sweden is a member of the counter-ISIL coalition and is on the frontlines of the Syrian refugee crisis. More than 1,200 refugees seek asylum in Sweden every day, and Sweden accepts more refugees per capita than any other country in the EU. That is what is happening right now. They are accepting more refugees per capita than any other country in the EU. Yet we don't have an ambassador to that country. We have an ambassador to Germany. We certainly know they are playing a role in this refugee crisis. We have an ambassador, of course, to Greece. But we don't have an ambassador to this country.

The United States has collaborated with Sweden to strengthen human rights, democracy, and freedom in countries emerging from oppressive and autocratic regimes. Sweden's commitment to promoting human democracy, human rights, gender equality, and international development and sustainability make it a respected leader in international affairs.

Now let's look at economic partnerships.

I do hope my colleagues on the other side of the aisle who have all been very supportive of this will talk to Senator CRUZ the next time they see him. I plan on asking for unanimous consent to get these nominees through repeatedly in the next month. I am hoping Senator CRUZ will be here to explain this, and I am hoping we can find some agreement on this because, again, this is not a typical case where these nominees have been criticized or questioned, including by his own office. This is a case of simply some other issues that are not related to the nominees or to the countries, and these countries should not be held hostage.

Norway is an important economic partner. According to the American Chamber of Commerce, Norway represented the fifth fastest growing source of foreign direct investment in the United States between 2009 and 2013. Of course, visiting Senator HOEVEN's and Senator HEITKAMP's State of North Dakota, I have seen the investments in oil and in drilling in North Dakota from the Scandinavian countries because of their history in that industry.

Norway is the 12th largest source of foreign direct investment in the United States. Think about that. There are over 300 American companies with a presence in Norway, including 3M of Minnesota, Eli Lilly, General Electric, IBM, McDonald's, and others. By not having an ambassador to Norway, we are sending a message to some of the top investors in our own country. The Ambassadors in these countries, as we know, are our trading partners and help businesses in America do business

in that country. While there are national security issues, there is also an economic purpose of having an ambassador.

In October, Norway reiterated its commitment to invest in American businesses by purchasing an additional 22 F–35s from Lockheed Martin. That is a total of 52 fighter jets Norway is committing to buy from Lockheed Martin. The first will arrive in 2018. This is the biggest investment Norway has ever made in the country's history, and they are investing in a company in our country, in the State of Texas. These are warplanes that will be built at Lockheed's facility in Fort Worth. I called attention to this fact. I know it is a cost of almost $200 million per plane. This country is investing in American jobs—$200 million per plane—and they are buying 22 more. You can do the math.

Lockheed Martin and other American companies that do business with Norway would like to see an ambassador there to help facilitate relations.

Now let's get to Sweden. Sweden, like Norway, is also one of the biggest investors in the United States. Sweden is actually the 11th largest direct investor in the United States, while Norway is 12th. I would think some people might be surprised by that fact that these two Scandinavian countries are that high on the list when you look in the world, but, in fact, it is true. They are the 11th and 12th investors in the United States. Sweden's foreign direct investment in the U.S. amounts to roughly $56 billion and creates nearly 330,700 U.S. jobs.

U.S. companies are the most represented foreign companies in Sweden. Swedish-Americans have contributed to the fabric of our great Nation and built successful companies such as Walgreens, Greyhound, and Nordstrom.

Economically, Sweden is highly dependent upon exports and is one of the most internationally integrated economies in the world. The United States is Sweden's fourth largest export market, with Swedish exports valued at an estimated $10.2 billion. Now, does this sound like a country where we just decide we are not going to have an ambassador, yet we give ambassadors to all these other nations all across the world? That just doesn't seem right.

Sweden is a significant export market for my State of Minnesota, with $131.5 million in sales through November of last year. Sweden, like Norway, deserves to have an ambassador.

Speaking of the Minnesota ties here, the economic and cultural influence of Norway and Sweden is strongly felt throughout the United States. I will say that Minnesota has a special one. In fact, one of the most notable attractions in Madison, MN, is a giant 25-foot-long fiberglass cod named ''Mr. Lou T. Fisk.'' That is a little Scandinavian joke here late in the afternoon. That is a lutefisk—''Mr. Lou T. Fisk.'' Anyone from Norway or Sweden knows that lutefisk is a traditional Norwegian food. Madison, MN, is so proud of its Nordic heritage that they once took Lou, the giant fish, on a national tour in the back of a truck. That was many, many years ago, but the fiberglass cod—the largest fiberglass cod in the world—is still displayed in our State.

We have about 100,000 people of Norwegian heritage in Minnesota, second only to Norway itself. We have 500,000 Swedish Minnesotans. Think of how many. That is a good chunk of our population. So we are very proud of our Nordic heritage.

That is my State. I think you could go around any State in the United States and there you would find proud Norwegians and Swedes. They may not always be the loudest voices, and maybe that is part of the problem. Maybe they have been too nice. But I can tell you that these two countries are the 11th and 12th biggest investors in the United States of America. One of them has been willing to buy 52 fighter planes valued at nearly $200 million each from our Nation.

They certainly deserve an ambassador. They have been very clear to me—the representatives of these companies—that they would like to see an ambassador. At some point this looks like a ''dis'' from our Nation—that we are ''dissing'' them because we allow every other Nation to have an ambassador.

We look forward to working with Senator CRUZ. Again, I thank Senator MCCONNELL and Senator CORKER for their support. We haven't seen any other concerns that people have that have not been taken care of. So I am hopeful we can get Sam Heins and Azita Raji immediately confirmed.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 3029, 2984, 3001, 3063, 3020, AND 3067 TO AMENDMENT NO. 2953

Ms. MURKOWSKI. Mr. President, we are now ready to process a handful of amendments with a series of voice votes.

I ask unanimous consent that the following amendments be called up and reported by number: Barrasso amendment No. 3029; Baldwin amendment No. 2984; Wyden amendment No. 3001; Capito amendment No. 3063; Daines amendment No. 3020; and Hirono amendment No. 3067.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments by number.

The senior assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for others, proposes amendments numbered 3029, 2984, 3001, 3063, 3020, and 3067 to amendment No. 2953.

The amendments are as follows:

AMENDMENT NO. 3029

(Purpose: To provide for the modernization of the energy policy for Indian tribal land)

(The amendment is printed in the RECORD of January 27, 2016, under ''Text of Amendments.'')

AMENDMENT NO. 2984

(Purpose: To include water and wastewater treatment facilities among energy-intensive industries and to expand the role of the institution of higher education-based industrial research and assessment centers)

On page 125, strike lines 3 through 7 and insert the following:

(A) in paragraph (2)—

(i) by redesignating subparagraph (E) as subparagraph (F); and

(ii) by inserting before subparagraph (F) (as so redesignated) the following:

''(E) water and wastewater treatment facilities, including systems that treat municipal, industrial, and agricultural waste; and'';

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(C) by inserting after paragraph (2) the following:

On page 129, strike line 4 and insert the following:

ment of Energy.

''(7) EXPANSION OF TECHNICAL ASSISTANCE.—The Secretary shall expand the institution of higher education-based industrial research and assessment centers, working across Federal agencies as necessary—

''(A) to provide comparable assessment services to water and wastewater treatment facilities, including systems that treat municipal, industrial, and agricultural waste; and

''(B) to equip the directors of the centers with the training and tools necessary to provide technical assistance on energy savings to the water and wastewater treatment facilities.''.

AMENDMENT NO. 3001

(Purpose: To modify a provision relating to national goals for geothermal production and site identification)

In section 3005(2), insert '', through a program conducted in collaboration with industry, including cost-shared exploration drilling'' after ''available technologies''.

AMENDMENT NO. 3063

(Purpose: To require a study of the feasibility of establishing an ethane storage and distribution hub in the United States)

At the end of subtitle B of title III, add the following:

**SEC. 310___. ETHANE STORAGE STUDY.**

(a) IN GENERAL.—The Secretary and the Secretary of Commerce, in consultation with other relevant Federal departments and agencies and stakeholders, shall conduct a study of the feasibility of establishing an ethane storage and distribution hub in the Marcellus, Utica, and Rogersville shale plays in the United States.

(b) CONTENTS.—The study conducted under subsection (a) shall include—

(1) an examination of, with respect to the proposed ethane storage and distribution hub—

(A) potential locations;

(B) economic feasibility;

(C) economic benefits;

(D) geological storage capacity capabilities;

(E) above-ground storage capabilities;

(F) infrastructure needs; and

(G) other markets and trading hubs, particularly hubs relating to ethane; and

(2) the identification of potential additional benefits of the proposed hub to energy security.

(c) PUBLICATION OF RESULTS.—Not later than 2 years after the date of enactment of this Act, the Secretary and the Secretary of Commerce shall—

(1) submit to the Committee on Energy and Commerce of the House of Representatives and the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate a report describing the results of the study under subsection (a); and

(2) publish those results on the Internet websites of the Departments of Energy and Commerce, respectively.

AMENDMENT NO. 3020

(Purpose: To provide for the reinstatement of the license for the Gibson Dam project)

On page 229, after line 22, add the following:

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (b) has expired before the date of enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration date.

AMENDMENT NO. 3067

(Purpose: To modernize certain terms relating to minorities)

At the end of subtitle H of title IV, add the following:

**SEC. 47___. MODERNIZATION OF TERMS RELATING TO MINORITIES.**

(a) OFFICE OF MINORITY ECONOMIC IMPACT.—Section 211(f)(1) of the Department of Energy Organization Act (42 U.S.C. 7141(f)(1)) is amended by striking ''a Negro, Puerto Rican, American Indian, Eskimo, Oriental, or Aleut or is a Spanish speaking individual of Spanish descent'' and inserting ''Asian American, Native Hawaiian, a Pacific Islander, African-American, Hispanic, Puerto Rican, Native American, or an Alaska Native''.

(b) MINORITY BUSINESS ENTERPRISES.—Section 106(f)(2) of the Local Public Works Capital Development and Investment Act of 1976 (42 U.S.C. 6705(f)(2)) is amended in the third sentence by striking ''Negroes, Spanish-speaking, Orientals, Indians, Eskimos, and Aleuts'' and inserting ''Asian American, Native Hawaiian, Pacific Islanders, African-American, Hispanic, Native American, or Alaska Natives''.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now vote on these amendments en bloc.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Ms. CANTWELL. Mr. President, reserving the right to object. I will not object. I just want to thank my colleague from Alaska for her hard work in working on both sides of the aisle today on these amendments: the Barrasso amendment about energy reported out of the Indian Affairs Committee, the Baldwin amendment about water treatment, the Wyden amendment on U.S. geothermal, the Capito amendment on ethane storage facilities, the Daines amendment on hydro license issues, and the Hirono amendment on removing offensive language in the DOE Organization Act.

Members have worked very hard throughout the day on these issues, and I just want to make this point, as my colleague and I try to finish working through the rest of this week and into next week to wrap up this bill, and thank all our colleagues for helping us on this.

I will not object and am glad we got to this point.

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

Ms. MURKOWSKI. Mr. President, I know of no further debate on these amendments.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 3029, 2984, 3001, 3063, 3020, and 3067) were agreed to en bloc.

## MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## ENERGY POLICY MODERNIZATION BILL

Ms. MURKOWSKI. Mr. President, I want to follow up on the comments of the Senator from Washington and thank her for her willingness as we have worked through several of these matters throughout the morning, into the afternoon, and now here at the 5 o'clock hour. You do not get to a place where you can voice vote six amendments without a level of cooperation, and I thank her for that.

I thank our Members, but I also want to do a specific shout-out to our staffs, who have been working through some of the language, some of the issues, and coming together to provide us with a path forward.

I think we are optimistic that given the pace and the trajectory that we are on, we will be able to come in on Monday and hopefully be able to alert Members to a longer queue of votes that we will have identified so they can come prepared when we take up votes on Tuesday.

We will again be asking Members to spend good, constructive time. If you want to speak to your amendments, we will be in session on Monday for at least a few hours, and that would not be a bad time to come and speak to any of the issues that are of importance to you. We really do hope to put in place a more defined schedule for next week so that colleagues know the trajectory that we are on.

I think it is the intention of both Senator CANTWELL and myself that we move aggressively so that we can complete this very important bill by the end of next week. I know that we have Members who are scheduled to come to the floor and speak to the Energy Policy Modernization Act.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

## THANKING THE SENATE PAGES

Ms. MURKOWSKI. Mr. President, as I was turning to go into the cloakroom, I saw the pages here in the corner. I have had an opportunity to visit with several of them an hour or so ago. Tomorrow is the last day of the session for these young pages who have come to us from all around the country to be with us for a 5-month period. It is a long time to be away from your home, your family, your school, your community, to be here in a strange place with other strange people, to be living in a dormitory situation, to have a very aggressive academic schedule and, by the way, at 16 years old, you are working.

You are told what you can wear. You are told you cannot have your cell phone. There are a lot of rules. Being a page is not an easy thing. We have some of the brightest young men and young women who come to us through the Senate page program.

I want each of you to know how proud we are of the job you do. You do it with a smile. You do it with an enthusiasm that I think helps us. I think it helps remind us that this place is a special place, that it is a privilege to be serving in the Senate, whether it is as an elected Member or whether it is as a page or as those who are doing the transcription of Senators' comments or as staff. The fact that these men and women come here and help with the efficient operation of the day-to-day activities needs to be recognized. Our page class of 2015–2016 certainly deserves a shout-out.

I want to thank you for your work that you have given us, making us look a little more efficient and a little better at our job. Thank you for what you do and best wishes to you all.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

## THE DEBT

Mr. PERDUE. Mr. President, Washington received a loud wake-up call

this week. On Monday, the Congressional Budget Office, or the CBO, released its biannual ''Budget and Economic Outlook'' report and the projections for the next decade are very sobering. The nonpartisan study found that over the next decade our country will grow to nearly $30 trillion in debt. Folks, that is $30 trillion. This is unbelievable. It is unmanageable.

A number this large is nearly impossible to comprehend. Maybe that is why this seems to have gone unnoticed, buried under headlines about Presidential politics, Super Bowl 50, Snowzilla, and Apple's latest earnings statement. But what we can comprehend is who is responsible for paying off this debt eventually. We are—the American people.

With nearly $19 trillion in debt today and over $100 trillion in future unfunded liabilities, we are well past the tipping point. This means each American family is responsible today for nearly $1 million of this debt. In addition, the Social Security and Medicare trust funds are expected to go to zero in roughly 15 short years.

According to an AEI analysis of this CBO report, spending on Social Security, Medicare, and other health care programs will grow at an average annual rate of 5½ percent from 2016 to 2026, pushing spending on Social Security and health care alone to upwards of $4.1 trillion in 2026—just 10 short years from now.

This is more than we spent last year on the entire Federal Government. This is not 20 years from now. This is in the immediate future. We will be spending more on these items than we did last year on the entire Government.

My colleagues on the other side of the aisle recognize that we have a crisis. We all agree. However, their solution is simply to tax the working people of America more. That is exactly what we have been doing. It is not working.

In the last 15 years, our Federal Government spending has grown from $2.4 trillion in the year 2000 to $3.7 trillion in constant 2015 dollars last year. Because of that, over this same period—from 2000 to 2015—our Federal debt has grown from $6 trillion in 2000 to $19 trillion today. It is unbelievable.

However, last year the Federal Government collected $3.2 trillion in taxes. This is the largest amount ever in our history. We have a spending problem, not a revenue problem. Furthermore, our country's debt is not interest-free. Taxpayers are already paying immensely for Washington's fiscal malfeasance.

Last month, interest rates increased one-quarter of a point—only one-quarter of a point. But this equates to almost $50 billion of new interest expense every single year. Our country must borrow even more money to pay this additional interest expense. That is a true measure of total insolvency. This interest rate increase is widely suspected to be followed by another increase later this year.

Imagine if interest rates go up to just their 50-year average of 5½ percent, taxpayers would be paying almost $1 trillion in interest. This is more than twice what we spent on our military. It is more than twice what we spend on our discretionary nonmilitary spending. It is unmanageable, and we have to deal with it right now.

Having been in the business world for over 40 years, there are four words that I used to hear often and we used them frequently: ''We cannot afford it.'' I personally have not heard these words once in Washington over this past year, my first year in the Senate. We simply cannot afford all we are spending today, and CBO says it will only get much worse.

Just look at Washington's grand bargain this past year. I voted against this bad policy because it significantly added to the national debt and eradicated the conservative budget we put in place last year, which did cut $7 trillion out of the President's budget request of last year.

Additionally, President Obama's economic failures and disastrous health care law have dangerously set our debt up to soar even higher after he leaves office. CBO projects ObamaCare will enroll 40 percent less participants than expected in 2016. This will result in the Federal Government spending more money to support the failed marketplace exchange so it does not collapse. The Hill reports that ''spending on the marketplace is expected to rise to $56 billion next year, up from $38 billion this year. Within a decade, that total is expected to double to more than $109 billion.'' Plus, spending on health care programs has already jumped from $671 billion in 2008 to over $1.1 trillion this year. CBO projects that health care spending will nearly double in the next 10 years, reaching $2 trillion in 2026. This is a train wreck, and it is here.

Clearly, Washington cannot continue spending like this, and we have to make the changes necessary today. We have already reached the point where our Federal debt has become the greatest threat to our national and global security. At this point, we cannot pay for the tools needed to defend our country.

Last year we spent nearly 3.2 percent of GDP on defense—less than the 30-year average of 4.2 percent of GDP. This is the lowest level in over a decade. We have been at war for more than a decade, and in the process we have totally worn out our military equipment and desperately need to recapitalize and update it. More concerning, we are wearing out our people and cannot fully support our women and men on the frontlines.

This crisis is here right now. It is real, and it is dangerous and threatens our very way of life. These are economic realities we must come to grips with quickly in order to turn things around and change the direction of our country. We can solve our national debt crisis, but Washington's business-as-usual approach must change and lawmakers must start saying: We cannot afford it.

Solving the debt crisis starts with totally reinventing the failed budget process, which has only worked four times in the past 40 years. We have to also reduce the size of our Federal bureaucracy and start with redundant agencies. Washington already has 256 government programs running on autopilot, costing taxpayers $310 billion a year, and there are hundreds of billions of dollars in duplicate programs and more opportunities to reduce waste.

It goes without saying that we need to get our economy growing again. We can do it by changing our archaic tax laws, by eliminating unnecessary regulations stifling our free enterprise system, and by finally unleashing the full potential of our energy resources here in America responsibly. We will not solve this debt crisis until we save Social Security and Medicare and address our spiraling health care costs.

The solutions to these will take decades, but we have to start now. The CBO report reveals a stark reality: We are simply out of time. This debt crisis can no longer be ignored. It is here now. Washington must face up to that stark reality. We simply must start making the tough decisions required to put a plan in place to reduce this outrageous debt. We must do this right now for our future, for our children, and for our children's children.

I yield my time.

The PRESIDING OFFICER. The Senator from Delaware.

## DEFICIT REDUCTION

Mr. CARPER. Mr. President, I come to the floor this afternoon to talk a bit about developments that involve our Nation, Iran, and the other five nations that joined us in negotiating the joint agreement. And we are encouraged that it will reduce—maybe substantially—the likelihood that Iran will build a nuclear weapon in the near future or even a good deal beyond that.

I came to the floor to talk about that subject, but after hearing the previous speaker, I felt compelled to say a few things. I am a recovering Governor. I was the Governor of Delaware for 8 years, and we balanced our budget 8 years in a row, cut taxes. I have been told that more jobs were created during those 8 years than at any other time in Delaware history.

I chaired the Senate Committee on Homeland Security and Governmental Affairs. We worked closely with GAO. We actually worked very closely with the Bowles-Simpson folks about 5 or 6 years ago. They came up with three ideas for deficit reduction and to make sure that we do it for the long haul.

The Bowles-Simpson Commission was formed at a time when deficit was $1.4 trillion. For those who are following it, the deficit is still too high, but it has

been reduced by more than two-thirds—I think it may have even been close to three-quarters—and that is good.

There are things we need to do for further deficit reduction.

No. 1, we need to really consider what we do with our entitlement programs. The Bowles-Simpson Commission suggested that we make some changes and that we make them in ways which do not harm older people and which will save these programs for our children and grandchildren. I think that is very important, and that is one thing we need to do.

No. 2, we need some additional revenues. We actually had four balanced budgets in a row during the last 4 years of the Clinton administration. If you look at revenues as a percentage of GDP in those 4 years, it was 20 percent. Revenues as a percentage of GDP for the 4 years we had a balanced budget was 20 percent. When you look at spending as a percentage of GDP during those 4 years, the last 4 years of the Clinton administration, it was 20 percent. During that time we had a balanced budget. In fact, we had a little surplus. But all of that got away from us in the 8 years that followed. After we had a change in administrations, the deficit piled up to $1.4 trillion. Well, we have been ratcheting it down, and now we are recovering from the worst recession since the Great Depression. Can we do better than that? Sure we can do better than that.

In terms of deficit reduction, entitlement reform actually saves money, save these programs for our kids and our grandchildren, and doesn't harm old people and poor people.

The third thing we need is tax reform that generates revenues and hopefully reduces some rates, especially on the corporate side, where we are out of step with the rest of the world.

The fourth thing we need to do is look at everything we do in order to find ways to save money. I will always remember a woman who came to one of my townhall meetings early in my time as a Congressman years ago, and her message to me, which I have never forgotten, was ''Congressman Carper, I don't mind paying for additional taxes; I just don't want you to waste my money.'' That is what she said. ''I don't mind paying for additional taxes; I just don't want you to waste my money.'' I think most people in this country feel that way.

As it turns out, one of the jobs of GAO—the Government Accountability Office—as a watchdog on spending for us is every 2 years they provide to the Congress a high-risk list of ways we are wasting money. When Tom Coburn and I led the Homeland Security and Governmental Affairs Committee, we used that as kind of our shopping list that we used to offer changes in spending and changes in revenues—especially in government collection—that would actually further reduce the deficit. We have taken action on a bunch of the ideas from GAO, and we need to find additional steps to take that provide part of the blueprint. Every major agency has inspectors general, and many of them regularly give us recommendations on how to save more money. Those reports should not just go up on a shelf somewhere but should be an action plan for us. So there is work for all of us to do.

The last thing I will say is that health care costs as a percentage of GDP in my time as Governor—actually, after I stepped down as Governor in 2001—which was pretty flat during the mid-to-late 1990s, started to rise again and continued to rise until right around 2010, 2011. At that time health care costs as a percentage of GDP in this country had risen to 18 percent.

When I ask a friend of mine how he is doing, he says: Compared to what? Well, how about comparing it to Japan? In Japan health care costs as a percentage of GDP are about 8 percent. We were 18 percent and they are at 8 percent. They get better results, longer life expectancies, and lower rates of infant mortality. They cover everybody.

Four or 5 years ago, we had 40 million people going to bed without health care coverage at all, and we didn't get better results and we were spending 18 percent of GDP. The good news is that since the Affordable Care Act—I wrote parts of it, and I am proud of the part I worked on. But there are things we need to change, and my hope is that some day we get to a point in time where Democrats and Republicans, instead of just trying to kill and get rid of it, will say that there are some good things in this legislation and some good things that will be coming, and one of the good things that is coming is that health care costs as a percentage of GDP are not 18 percent anymore. They are coming down. The impact on deficit reduction is actually quite positive because of this legislation.

## NUCLEAR AGREEMENT WITH IRAN

Mr. CARPER. Mr. President, those are some things I didn't plan to say but I felt compelled to say as a warmup to what I really wanted to say, and that is to talk about the agreement we struck with Iran and some of the things that have been happening since then with us, the United States, and five other nations.

Over the past couple of weeks, the Obama administration's decision to engage with Iran, along with these other five nations, through diplomacy instead of military action has faced key tests. The results are in, and the agreement that we struck—the United States, the Brits, the Germans, the French, the Chinese, the Russians, and the Iranians—appears to be working thus far, and, God willing, we may actually be on our way to being safe as a result.

This test began on the high seas 2 weeks ago when the United States and Iran faced a crisis that could have ended tragically. Two U.S. Navy vessels carrying a total of 10 crewmembers strayed into Iran's territorial waters. They were detained by Iran, and as many of us know, they appeared on Iranian television. The American vessels were somewhere they should not have been. It was a mistake.

As a former naval flight officer who served 5 years in a hot war in Southeast Asia and another 18 years—right up to end of the Cold War—as a P3 aircraft mission commander, I know this is a mistake we never want to make. Defense Secretary Ash Carter acknowledged that the error had been made, and the sailors were released unharmed within 24 hours of being detained. Flashbacks of past hostage crises and destabilizing tensions were on all of our minds as we watched this story unfold. However, thanks to a more cooperative and productive diplomatic relationship with Iran, the sailors were released within 24 hours.

As the week came to a close, we saw additional encouraging validations that the administration's Iran strategy is beginning to bear fruit. Following months of the most intrusive nuclear inspections in history, international weapons inspectors concluded that Iran had indeed followed through on its pledge in the nuclear deal to dismantle the parts of its nuclear program that were clearly not intended for peaceful purposes.

The International Atomic Energy Agency certified that Iran had reduced its stockpile of enriched uranium by 98 percent and that the remaining uranium was only enriched to levels consistent with peaceful energy uses. The inspectors certified that nearly 15,000 centrifuges for enriching uranium have been dismantled. That leaves Iran with only its least sophisticated centrifuges, which can be used solely for peaceful purposes. The inspectors revealed that a special reactor for producing the kind of plutonium needed for a nuclear bomb in Iran will produce no more. It has been filled with concrete instead. Finally, the nuclear watchdogs certified that the inspections and monitoring systems of Iran's nuclear facility and nuclear supply chain have been stood up to ensure Iran's compliance with the nuclear deal.

All of this happened much faster than most of us would have expected. It certainly happened faster than I expected it would. In fact, some critics of the nuclear deal said that Iran would never live up to the promises it had made—never. Yet, despite that skepticism, today we see an Iran that has taken irreversible steps to dismantle its nuclear weapons program in order to make good on its pledges.

Amid the nuclear deal's implementation, the United States achieved another diplomatic breakthrough with Iran—one that I and a number of my colleagues had a hand in.

The Iranians released five individuals—all dual U.S.-Iranian citizens—that they had been detaining in Iran

for some years. Their release was the result of intense diplomatic negotiations. Secretary Kerry and his team of negotiators worked overtime to secure their freedom. They deserve our appreciation and our thanks.

I had never forgotten about these Americans, and neither had my colleagues. Whenever we spoke or met with senior Iranian officials in recent years, we consistently called on them to release our unjustly detained citizens. The end result is that these Americans are free to rejoin their families in America instead of rotting in an Iranian prison.

The events and achievements that occurred during these 6 days were a remarkable validation that the Obama administration and those of us in Congress who voted to support the nuclear deal had made the right choice. But our challenges with Iran have not vanished—not by a long shot. Iran continues to support terrorist organizations like Hezbollah. Iraq props up the Assad regime in Syria. Iran tests and develops ballistic missiles in defiance of U.N. Security Council resolutions. Another American, former FBI agent Bob Levinson, disappeared 8 years ago in Iran, and the Iranian government needs to do all it can to help return him to his family or, if they can't do that—if he is no longer alive—at least help find out what happened to this American. Also, of course, Iran refuses to recognize Israel's right to even exist.

Addressing these problems with Iran will not be easy. They will require the same kind of intense negotiations and pressure that helped to bring about an end to Iran's nuclear weapons program and the release of the detained Americans. That means our relationship with Iran will not always be composed of carrots. There may very well be times when sticks are needed to try to convince that Nation's regime to change its behavior toward us and our allies, including Israel.

Perhaps no action better illustrates these dynamics than the United States' recent move to increase sanctions on Iran for its illegal testing of ballistic missiles—something that is a clear violation of the sanctions. At the same time that the U.S. was lifting nuclear sanctions on Iran as part of the nuclear deal, the Obama administration was leveling sanctions against 11 entities for their role in supporting Iran's ballistic missile program.

Addressing our challenges with Iran over the long term will also require this administration, along with future administrations and Congress, to adopt a forward-thinking foreign policy that looks beyond the rhetoric of Iran's current regime.

I have a chart here that I want to share with everyone tonight. It is a collage of photographs. I believe these photographs were taken in the aftermath of the decision to approve the agreement—a decision reached by the United States and our five negotiating partners and the government of Iran. This is a collage of photographs that indicates the measure of joy the Iranian people are reacting to this successful negotiation with.

I just want to say Iran is little understood by most Americans. They have 78 million people there today. The average age of those people is under the age of 25—a lot like the young people we see in these photographs. For the most part, they are all educated. The lion's share of them don't remember the Iranian revolution of 1979 and the taking of American hostages at our embassy or the cruel Shah whom we supported until his ouster. This is a population, reflected in these photographs, that appears more focused on building Iran's troubled economy than pursuing antagonizing military activities favored by the Supreme Leader and by many of the Revolutionary Guard.

In the weeks ahead, this new generation of young Iranians will head to the polls—sometime in the month of February—to choose the country's next parliament, as well as an entity called its Council of Experts, which I believe is the body that will help to choose the next Supreme Leader of Iran. At stake for these Iranians is the choice between the policies of engagement and economic revival being vigorously pursued by President Rouhani, Foreign Minister Zarif, and their supporters, as opposed to the politics of antagonism and destabilization that are apparently favored by the Supreme Leader and many in the Revolutionary Guard.

We have seen photographs this week of President Rouhani meeting not just with Pope Francis—the first meeting between the leader of Iran and the Pope in close to 20 years—but also of his meetings throughout Europe, calling on countries, calling on businesses in order to try to solicit and pave the way for investments not in weaponry, not in aid to Hezbollah, but investments in roads, highways, and bridges—things that we need, but they need them a whole lot worse. Their roads, their highways and bridges, their airports and trains make ours look like the 21st century. They need to invest in those things.

They have a lot of oil. They have the ability to pump a lot more. I think they pump about 300,000 barrels a day. By the end of this year, they will have the ability to pump as much as 1 million barrels of oil a day, and they are not going to do that without enormous investments in their oil infrastructure. They have a great need to do that. These young people know that. That is where they would like to spend that money.

We should help make the upcoming parliamentary elections in February for these voters and others an easy choice. We should continue to show the people of Iran that their cooperation and their commitment to peace will be rewarded. How? With economic opportunity and the shedding of Iran's status as a pariah in the international community.

We ought to listen to these people. They are not much older than the pages who are sitting here in front of us this evening. They are interested in their country changing for the better. They are interested in reform. A number of them have relatives who live over here in our country, and there are a lot of Iranian Americans who live here. For the most part, they are very valued citizens, and people would be proud to call them Americans.

We need to listen to these young people who are calling for reform and who want to reconnect Iran to the international community. Frankly, it would be wise of us to do so for the sake of our security and for the sake of the security of our allies and for stability in the Middle East.

Mr. President, I see no one waiting to be recognized at this time.

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

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

Mr. SULLIVAN. Mr. President, I ask unanimous consent to speak for as much time as I may consume.

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

## OVERREGULATION OF THE AMERICAN ECONOMY

Mr. SULLIVAN. Mr. President, I rise in support of an amendment that I am hoping will be part of the Energy bill currently being debated on the floor and being shepherded through the Senate by my colleague from the great State of Alaska, Senator MURKOWSKI.

I commend Senator MURKOWSKI, the chair of the Energy and Natural Resources Committee, for the bill she has worked on for months—incredible hard work. It is great to have her as the chair of the committee, certainly for Alaska but for the entire country. States such as the Presiding Officer's recognize how important American energy is for all our citizens.

One of the many positive aspects of the bill we have been debating is that it is focused on cleaning up old regulations, cleaning up outdated programs, getting rid of some of the things we don't need.

The amendment that this Senator would like to offer as part of the Energy bill is based on a bill I recently introduced called the RED Tape Act of 2015. The R-E-D in RED Tape Act stands for Regulations Endanger Democracy Act, and this Senator believes that is the case. The onslaught of regulations are not only threatening our economy but are actually threatening our form of government. That is why I am proposing a simple one-in, one-out bill that will cap Federal regulations—a simple commonsense approach to

Federal regulations that will begin to address what I think the vast majority of Americans recognize as a monumental problem. What is that problem?

Economists around the country and many Members of this body believe that the overregulation of the American economy is why we can't grow this economy. This Senator thinks it is often looked at as a partisan issue. It is not a partisan issue. To the contrary, it is a consensus issue about the impact of regulations on the American economy.

To give a couple of examples, here is how The Economist put it in a 2012 cover story titled ''Over-Regulated America.'' The redtape is right here. This lead article in The Economist said a couple of years ago that ''America needs a smarter approach to regulations'' that will ''mitigate a real danger: that regulations may crush the life out of America's economy.''

There is a real danger that regulations will crush the life out of the American economy. I think that is already happening. Again, this is not a partisan issue. Many Democrats in this body have called for a smarter approach to Federal regulations.

Governors, particularly Democratic Governors across the country, have also decried the overregulation of our economy. For example, the two-term Massachusetts Governor, Deval Patrick, made regulatory reform a hallmark of his administration's approach to growing their economy, and it is not just Democratic Governors. It is actually Democratic Presidents. In 2011, Newsweek featured a cover story with President Clinton's face on the cover that highlighted his 14 ideas to grow the economy and create jobs. In the article, President Clinton lamented the long wait time for permanent approvals for infrastructure projects throughout the country due to overregulation.

One of President Clinton's top recommendations to put hardworking Americans back to work was to speed up the regulatory approval process and grant States waivers on burdensome Federal environmental rules to hasten the time that construction projects can begin and real hardworking Americans can work.

Even President Obama in his recent State of the Union Address focused on regulations. The President of the United States said:

> I think there are outdated regulations that need to be changed. There is red tape that needs to be cut.

President Obama stated this just a few weeks ago. As a matter of fact, it was the biggest applause line of the entire evening. Democrats and Republicans roared at this. The President recognized what redtape is doing to this great economy.

So I took the liberty to write the President after his State of the Union Address, commending him for his focus on regulations, and asked him to get his administration to back my RED Tape Act and to follow through on his promise to reach across the aisle for good ideas to grow the economy. This is one that would strengthen our economy, create jobs for hard-working middle-class Americans, union workers, and pave the path for what we haven't seen in over a decade, a private sector that is thriving. That is the heart of the American dream.

Before I get into details, let me spend a few minutes on the economy and why I believe we must pass this amendment. Our debt is approaching $20 trillion. The national debt of the United States has increased more under President Obama's two terms than it has under all previous administrations in U.S. history. Of course, one of the reasons is we are spending too much, but this Senator believes the biggest reason is that we cannot grow this economy.

The U.S. average economic growth rate for almost our entire history as a country, from 1790 to 2014, has averaged about 3.7 percent GDP growth. That is real American growth. For over 200 years there has been ups and downs, but the average has been about 4 percent GDP growth. This is what has made us great as a nation. The Obama administration's average GDP growth is about 1.5 percent—dramatically less than the traditional levels of American growth that we need. As a matter of fact, officially this recovery has been the weakest in over 70 years.

While the American people might not have all these specific numbers at hand, they know something is wrong. They know they are not finding the good jobs, that they are not getting the raises in the jobs they have. They know their family's budget isn't stretching as far as it used to stretch. This should not be the case.

We live in the greatest Nation in the world. We have so many advantages over other countries. Our high-tech sector is still the most innovative in the world, an efficient agriculture sector feeds the world, and our universities are the best universities in the world by far. We are in a renaissance in energy production with renewables, oil, and gas that have once again made us a superpower in the world, one of the best managed, highly productive fisheries in the world from my State in Alaska, and we certainly have the most professional, lethal military in the world. We have so many advantages over every other country in the world. So why aren't we growing our economy? Why can't our economy expand at traditional levels of American growth?

Look at this chart behind me. This clearly to me and to many others is one of the reasons: new regulation on top of old regulation on top of old regulation—a steady increase year after year, starting here in 1976 with no end in sight, an explosion that is going to keep going until we do something about it. Through these regulations the Federal Government is looking to regulate every aspect of the American economy, and that is one of the main reasons why we can't grow.

When it was first published in 1936, the Federal Register, which contained a daily digest of proposed regulations from agencies and final rules and notices, was about 2,500 pages. By the end of 2014, the Federal Register had ballooned to close to 78,000 pages. What we are seeing is an explosion of regulations.

This chart relates directly to why I believe we can't grow our economy. Remember regulations are taxes. They cost American families, American consumers, and American small businesses. There are huge costs to this explosion, particularly when they accumulate like this.

President Obama's Small Business Administration puts the number of the annual cost of regulation that impacts the U.S. economy at about $1.8 trillion per year. That is a number that would make it one of the largest economies in the world. That is about $15,000 per American household, about 29 percent of the average American family budget. That is what we are doing to our families and our economy.

I believe a huge part of the problem of what is keeping our economy back and the opportunities for middle-class families is right here in this town. The Federal Government, with agencies and the alphabet soup of agencies—the IRS, the BLM, the EPA—are constantly promulgating new regulations. What they don't do is they never remove old regulations. From across the country, whether it is Alaska or Maine, our businesses, our citizens, and particularly the most vulnerable, our families, are being impacted by the explosion of regulations from the Federal Government right here in Washington, DC.

Let me give you a few examples. On the North Slope of Alaska they can't get small portable incinerators that comply with the upcoming EPA regulations, so the trash in these amazing communities in my State piles up until it is actually taken out by airplane. This is polar bear country. This is dangerous—trash everywhere. It is certainly harmful to the environment because regulations don't allow incinerators.

Because of the Federal roadless rule in Southeast Alaska, we can't even build new alternative energy plants for the citizens of my State who desperately need energy because we pay some of the highest costs of any State in the country with regard to energy. Nationally, bridges are crumbling, and we cannot get them built, in large part because of the overburdensome Federal regulations.

On average, it takes over 5 years to permit a bridge in the United States—not to build a bridge, just to get the Federal Government's permission to build a bridge. Right now there are 61,000 bridges in our country in need of repair, but burdensome regulations delay commonsense repairs. These bridges are being crossed by our

trucks, carrying the Nation's commerce, our children, schoolbuses, and parents trying to get home for dinner. Thousands of communities across the country are simply keeping their fingers crossed, hoping their current bridges last another year.

Let me provide one more example in terms of what is happening with regard to the overregulation of our economy. This involves one of the most important sectors of the U.S. economy—small community banks. Over 1,300 small community banks have disappeared since 2010, and only 2 new banks in the United States have been chartered in the last 5 years. If you ask any small community banker what is driving this, they will point to this chart. Regulations from Washington, DC, are driving our small community banks out of existence. Even during the Great Depression, we had on average 19 new banks a year. In the last 5 years, the United States has seen two new banks chartered in our country.

So what do we do? Well, the good news is that many colleagues in the Senate on both sides of the aisle have offered suggestions and introduced bills to stop the redtape, to stop this trajectory of Federal regulations from strangling our economy and our future. But we need something that is simple, something that hard-working Americans understand, and something that is bold to take on this challenge. I believe the amendment I have offered to the Energy bill, the RED Tape Act, is both simple and bold enough to take on this challenge. It is only 5 pages long. Using a simple one-in, one-out method, it caps Federal regulations. New regulations that cause a financial or administrative burden on the economy, on hard-working American, on middle-class families, on union workers would need to be offset by repealing an existing regulation. Simple—you issue a new regulation, you repeal an old regulation. People understand that and it makes sense.

This is not a radical idea. This is not some kind of poison pill that we want to attach to the Energy bill, because I think that is a good bill. It is an idea that is gaining consensus not only throughout the country but throughout the world. Other countries have actually taken up this idea to fix their regulatory problems as well. In Canada, they recently put an administrative fix to their regulations that was one-in, one-out. In Great Britain they have done this to the point where it is viewed as so successful that they are not talking about one-in, one-out anymore, they are talking about maybe one-in, two-out. So I think this is an idea that both parties of the Senate, Members from both sides of the aisle, can get behind.

Even National Public Radio did a recent story about how well this one-in, one-out rule is working in Canada. It has freed up hundreds of thousands of hours of paperwork for small businesses in particular. Even the Canadian Socialists have backed this idea. I certainly hope Senator SANDERS is listening, and I hope I can get him and other Members of this body to support this amendment.

To be clear, I am certainly not against all regulations or permitting requirements. When I served as the commissioner of the Department of Natural Resources in Alaska, we worked with our bipartisan legislature to overhaul our permitting and regulatory system and to bring what we have seen on the Federal Government side—a huge backlog of permits—to get projects moving. We brought that backlog down by over 50 percent through regulatory and permitting reform, and we did so with the absolute understanding that protecting our environment and keeping our citizens safe was a fundamental precondition to any of our actions. But we can do both. We can bring down this huge burden and still make sure we have a clean environment and a strong, healthy economy.

There are simply too many Federal regulations out there, and the American people know it. It is time this body stops increasing this number of regulations and puts a cap on it.

Finally, if we do this, we will make sure that all of the comparative advantages we have in this country—so many that we have over so many other countries—will enable us to unleash the might of the U.S. economy, create better jobs, and create a brighter future for our children and their children.

I yield the floor.

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

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

## SENATE DEBATE

Mr. SASSE. Mr. President, one of the fundamental purposes of this body is to debate some of the biggest issues facing this Nation and to do so in an honorable way. The Senate is for debate but not as an abstraction. It is to be addressing and ultimately solving the meatiest challenges the Constitution demands that we tackle. Unfortunately, a great deal of our debate is weak and embarrassing. Much of it falls off the trivial side of the cliff or the shrill side of the cliff.

During my time serving Nebraskans in this place, I hope to be aligned with those who want fighting and debating in this place, but it needs to be meaningful fighting. It needs to be honorable, honest debating.

To that end, there is a terrific column this week by Pete Wehner in Commentary magazine. Partly because the column is about Daniel Patrick Moynihan, at whose desk I intentionally sit, partly because it is about C.S. Lewis, a man whose writings have changed my life, and partly because it is just darn good exhortation to us, I would like to read a portion of this column into the Senate RECORD today.

Wehner begins:

> While reading Gregory Weiner's fascinating book ''American Burke,'' I came across this comment: ''(Daniel Patrick) Moynihan's intellectual curiosity was such that he gravitated toward thinkers with whom he disagreed precisely because he disagreed with them and could consequently learn from them.
>
> This observation reminded me of an incident in 1948 involving C.S. Lewis and Elizabeth Anscombe, a Catholic convert who was considered one of the most brilliant moral philosophers of her generation.
>
> Lewis was president of the Oxford Socratic Club, an open forum that met every Monday evening and whose purpose was to discuss the intellectual difficulties connected with religion, and with Christianity in particular.
>
> ''In any fairly large and talkative community such as a university—

And, I would add, such as a Senate—

> there is always the danger that those who think alike should gather together into 'coteries' where they will henceforth encounter opposition only in the emasculated form of rumor that the outsiders say thus and thus,''. . . .
>
> The absent are easily refuted, complacent dogmatism thrives, and differences of opinion are embittered by group hostility. Each group hears not the best, but the worst, that the other groups can say. . . .
>
> On February 2, 1948, Anscombe and Lewis debated a portion of Lewis's book ''Miracles,'' with Anscombe reading a paper pointing out ''a fatal flaw in Lewis's argument,''. . . (It was a complicated critique having to do with the conflation of irrational and nonrational factors in belief-formation.) The result of the debate, which Lewis himself felt he lost, was revisions to his book. Anscombe, while not convinced by the changes made by Lewis, did say ''the fact that Lewis rewrote that chapter, and rewrote it so that it now has these qualities, shows his honesty and seriousness.''
>
> That's not all. When Lewis was asked to nominate speakers for the 1951 Socratic Club season, Anscombe was his first choice. ''That lady is quite right to refute what she thinks bad theistic arguments, but does this not almost oblige her as a Christian to find good ones in their place: having obliterated me as an Apologist ought she not to succeed me?''
>
> There is something impressive in the qualities demonstrated by Moynihan and Lewis: a willingness to learn from others, including those with whom we disagree. There is in this an admirable blend of intellectual humility and self-confidence—the humility to know that at best we possess only a partial understanding of the truth, which can always be enlarged; and the self-confidence that allows for refinement and amendment of our views in light of new arguments, new circumstances, new insights.
>
> Beyond that, it's a useful reminder that the quality we ought to strive for isn't certitude but to be a seeker of truth. That is, I think, what separates ideologues from true intellectuals. The former is determined to defend a pre-existing position come what may, interpreting facts to fit a worldview that is already well beyond challenge. The latter seeks genuine enlightenment and is eager to discard false notions they may

hold—and values rather than resents those who help them on that journey.

The purpose of debating, then, isn't so much just to win an argument as it is to deepen our understanding of how things really and truly are. It isn't to out-shout an opponent but, at least now and then, to listen to them, to weight their arguments with care, and even to learn from them. It's worth noting that Lewis warned about simply surrounding ourselves with like-minded people who reinforce our own biases and how debates conducted properly ''helped to civilize one another.''

What a quaint notion.

In saying all this, I'm not insisting that everyone you disagree with is someone you can learn from, nor that everyone's views contain an equal measure of wisdom. Some people really don't know what they're talking about, some people really do hold pernicious and false views, and some people really do deserve harsh criticisms.

My point is simply that because the pull is so strong the other way—most of us use debates as a way to amplify pre-existing views rather than refine them; try to crush opponents rather than engage and understand them; and focus on the weakest rather than the strongest arguments found in opposing views—the Moynihan-Lewis model is a good one to strive for.

Wehner continues:

I understand that talking about such things can sound hopelessly high-minded and, for some, signal a mushy lack of conviction. When you're in a political death match with the other side, after all, the idea of learning from it seems either ridiculously naive or slightly treasonous. But of course, this reaction highlights just how much things have gone off track.

To be sure, American politics has always been a raucous affair. As Madison put it in Federalist #55, ''Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob.'' The question is whether one stokes the passions of the mob or appeals to reason.

As someone who doesn't do nearly well enough in this regard, I rather admire the Lewis model. He was a better man, and Miracles was a better book, for having recognized he lost his debate with Ms. Anscombe. For Lewis to then promote her despite having been bested by her was doubly impressive, yet in some respects not surprising. After all, Lewis was a man who cared more about striving after truth than in attending to his pride. He cared more about learning from arguments than winning them.

So should we.

Again, this was Pete Wehner, Commentary Magazine, with some instructive words for all of us laboring here in this body.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## ENERGY POLICY MODERNIZATION BILL

Ms. MURKOWSKI. Mr. President, we are winding down the day here. We have had a good opportunity for good discussion and debate about the Energy Policy Modernization Act. We took votes on three amendments, and we just concluded voice votes on six additional ones on top of the two voice votes that we had. So we are moving through some of the amendments, and I think that bodes well for us.

As I mentioned earlier, we will hopefully have an opportunity to line up a series of votes in advance so that when Members come back next week we all know where we will be going and the direction. I wish to take just a few minutes tonight, before we wrap things up, to talk about a section in the bill that I believe is very important—not only important to the Energy Policy Modernization Act but really very important to our Nation as a whole.

The Presiding Officer and I hail from a State that has been an oil producer for decades now. It is oil that sustains us, fills our coffers, and allows for us to have an economy that is thriving and strong. It is struggling right now as we look at low production combined with low cost, but we also are a State that enjoys great resources when it comes to our minerals.

We have long talked in this body over the course of years about the vulnerability that we have as a nation when we have to rely on others for our energy resources. We talk about energy independence, we talk about energy security, and, I think we recognize that when we can produce more on our own without others, it makes us less vulnerable.

Energy security translates to national security. I think we pretty much got that message around here, and we are doing more within this Energy Policy Modernization Act to make sure that we are less reliant on others for our energy sources, whether it is what we are doing to produce more fossil fuels or being able to leverage technologies that will allow us to access our renewable resources in a way that is stronger and more robust, again to ensure we have greater energy security.

When we think about energy security, we should not forget mineral security—the minerals that also help to make us a great nation, and a nation that is less vulnerable when we are able to produce more of our own.

For several Congresses—this is actually the third consecutive Congress—I have introduced legislation on this subject. It is a bill that I have titled the ''American Mineral Security Act.'' What we have done within the energy bill is take much of that legislation and include it as part of a subtitle on critical minerals. Maybe it is because I authored it, but I feel pretty strongly that this is a pretty good version. This is a pretty good title that is contained in the EPMA, and I think that passage of not only the critical minerals piece as part of EPMA is key for our economic security, energy security, and our national security. It is just the right thing for us to be doing.

We take for granted that our minerals and metals that we have available to us are going to continue to be available. Unfortunately, most of us do not really pay attention to the fact that so many of the things that we rely on for so much of what we need in our everyday world come from minerals. We just do not think about it. We assume that stuff just gets here. We do not think about where it comes from. We should not ever take for granted our mineral security. We should not ever take for granted what it is that we need.

People talk about rare earth elements, rare earth minerals. When we think ''rare,'' what is ''rare''? What exactly does that mean? Why do we need them? What do we use them in? Rare earth elements make many aspects of our modern life possible.

We talk a lot about how we are going to move to more renewable energy sources. You are going to need rare earth elements for wind turbines. You are going to need it for your solar panels. You are going to need it for your rechargeable batteries. You are going to need it for your hard drives, your smartphones, and the screens on your computer. You are going to need it for your digital cameras, for your defense applications, for audio amplification. That is just what we put on this particular chart.

It is important to recognize that so much of what allows us to do the good things that we do—to communicate, to help defend, to help power our country—comes to us because we have access to certain minerals.

According to the National Research Council, more than 25,000 pounds of new minerals are needed per person per year in the United States to make the items that we use for basic human needs, infrastructure, energy, transportation, communication, and defense. You might say: Whoa, 25,000 pounds per person per year—I cannot possibly need all that stuff.

But, Mr. President, you and I fly back and forth to Alaska. Those airplanes we fly on need these minerals. Every one of these young people, as well as us sitting in here, all have a smartphone or some way we are communicating, and we all need this. All of the staff who are working on their computers need that screen to look at, and we all need this.

When you think about it, it is like OK, maybe that number is right. Bill Gates put it quite memorably last year. He wrote a blog post entitled: ''Have You Hugged a Concrete Pillar Today?'' It is really a very interesting read, and it reminds us that you take for granted the things that we need, the things that we use on a daily basis, the things that are under our feet as we are walking here to work.

Minerals and metals are really the foundation of our modern society. Our access to them enables a range of products and technologies that greatly add to our quality of life. Yet many of the

trends are going in the wrong direction, which creates vulnerabilities for our country.

We have a real problem on our hands right now as a result of this reliance on minerals and the fact that so many of our minerals that we need today we must import. You are thinking: 25,000 pounds per person per year is a lot; where are we getting it from? How much of it are we relying on other countries, asking their permission to bring it in?

It is not just rare earth elements. The reality is that the United States now depends on many, many other nations for a vast array of minerals and metals. We have the numbers to back that up. In 1978 the U.S. Geological Survey reported that the United States was importing at least 50 percent of our supply of 25 minerals, and 100 percent of 7.

We recently got the latest figures from the USGS. Our foreign mineral dependence is now far deeper. In 2015, last year, we imported at least 50 percent of 47 different minerals, including 100 percent of 19 of them. On this list you have the minerals for which we are 100-percent reliant on foreign nations, whether it is bauxite, cesium—which we have in Alaska—graphite—which we have in Alaska—indium, iodine, manganese, mica, niobium, quartz, crystal. I am going to stop now because they get more difficult to pronounce.

These are the minerals that we are 100-percent reliant on other nations for. What do we use them in? We use them in transistors, electrical components, mirrors, rubber, vacuum tubes, photo cells, bicycles, fishing rods, golf iron shafts, baseball bats, defense applications, medical equipment, atomic clocks, aluminum, glass, enamel, batteries, gaskets, brake lining, fire retardant, magnets. Again, that is just what we can put on the charts.

We are 100-percent reliant on other countries for some of the things that are basic everyday products that we do not think about. Again, we take for granted that these things are going to continue to be readily available—that it is always going to be there for us.

For example, look at the cell phone. Let us look at the elements that it takes to make a smartphone. When you look at what goes into the smartphone, for your screen, indium is part of the screen. Alumina and silica are part of the screen. It is a variety of rare earth. All of these rare earths that we are looking at are 100-percent reliant on other nations for what goes into the screen.

For the battery for your smartphone, we have lithium, graphite, and manganese. Manganese and graphite are 100-percent reliant on foreign sources. We are 50-percent reliant on lithium.

You have tantalum, and we are 100-percent reliant on that. There is tin, lead, copper, silver. We are 70-percent reliant on tin. It goes to show that the things that we take for granted, the things that we are all using all the time to communicate, to send messages home, to do our business, we cannot have them unless we get this from somebody else, from some other country. There are options for us though, just as there are options for us with energy sources. We can find ways to help us produce more when it comes to minerals and mineral capacity so that we are less reliant.

We had a hearing before our energy committee, and we had a witness by the name of Dan McGroarty, who leads the American Resources Policy Network. He provided some pretty good examples of our Nation's foreign mineral dependence. He pointed out that the minerals needed for clean energy technologies often come from abroad, threatening our ability to manufacture those technologies here at home. This is what he wrote in his prepared testimony:

> Graphite is key to [electric vehicle] batteries and energy storage. The U.S. produces zero natural graphite—we are 100 percent import dependent.
>
> Indium is needed for flat-screen TVs and solar photovoltaic panels. Most indium is derived from zinc mining—the U.S. is 81 percent dependent for the zinc we use, and we produce zero indium.
>
> Thin-film solar panels are made of C-I-G-S materials—those letters stand for Copper, Indium, Gallium, and Selenium. We have a 600,000 metric ton copper gap at present—demand exceeding supply. Selenium is recovered from copper processing.
>
> Gallium comes from aluminum processing—we are 99% import-dependent—and we are closing American aluminum smelters at a record pace.

Mr. McGroarty also highlighted the national security implications of our foreign mineral dependence, explaining:

> We need rhenium for high-strength alloy in the jet turbines in the F–35 and other fighter aircraft. Rhenium is dependent on copper processing—and we are 83% import-dependent. Congress has directed the Defense Department to purchase electrolytic manganese, used in key super-alloys, for the [defense stockpile]—the U.S. produces zero manganese. We need rare earths in too many applications to list: Wind turbines, lasers for medical and national security applications, smart phones and smart bombs. We produce zero rare earths—and we are once again 100% dependent on China.

You may recall not too many years ago now when there was a little bit of an issue going on between Japan and China. China withheld delivery of certain rare earth elements that Japan needed for its manufacturing. China was holding the keys. China is holding the keys with many of these minerals.

Our foreign dependence is dangerous enough. You know that full well, Mr. President. The concentration of our foreign supply presents additional challenges. Our minerals often come from a handful of countries that are less than stable or that might be willing to cut off the supply to us to serve their own purposes or to meet their own needs. They are going to take care of themselves first. If they do not have much supply, they are going to help themselves first.

When I look at our foreign mineral dependence and where those minerals are coming from, I see reason after reason to be concerned. It is not hard to see the prospect of a day of reckoning when this will become real to all of us, when we simply cannot acquire a mineral or when the market for a mineral changes so dramatically that entire industries are affected.

To put it even more bluntly, our foreign mineral dependence is a mounting threat to our economy, to our national security, and to our international competitiveness. We cannot lose sight of that international competitiveness. The absence of just one critical mineral or metal could disrupt entire technologies, entire industries, and create a ripple effect throughout our entire economy.

I think it is well past time for us to be taking this seriously. We have seen some good signs from the administration. However, the reality is that our executive agencies are not as coordinated about this as they really should be. They do not have all of the statutory authorities needed to make the necessary progress on this issue.

There is just no substitute for legislation, and that is why I am very pleased that the members of the Energy and Natural Resources Committee accepted my language in our bill to rebuild this mineral supply chain. We did this in committee with almost no substantive changes.

When it comes to permitting delays for new mines—you have heard me say this before—our Nation is among the worst in the world. We are almost dead last. We are stumbling right out of the gate, right out of the very start of the supply chain, and then we do not ever seem to be able to catch up.

Where do you place the blame? The fall begins with us here. When we decide that a mineral is critical, we need to understand what we have. We need to survey our lands. We need to determine the extent of our resource base so we know what we can produce right here at home. If we do not know, it makes it pretty difficult to get anybody interested in production. We should keep working on alternatives, on efficiency, and recycling options. That is not what this is about. We need to keep doing that, especially for those minerals where our Nation does not and will not ever have significant abundance there.

We should build out a forecasting capability so that we can gain a better understanding of mineral-related trends and also an early warning when we see that there might be issues arising. We also need to have a qualified workforce. We need to make sure that we have those that can access this mineral resource, this mineral wealth.

The United States right now is down to a handful of mining schools. A large share of their faculty will be eligible to retire in the near future. We need some smart, young people who are interested and want to go into these fields.

Provisions to tackle all of these challenges are contained within the bill. They have good support. The Director of the United States Geological Survey, the CEOs of the Alliance of Automobile Manufacturers, and the National Electrical Manufacturers Association are among some. State witnesses, former military officials, and many others have endorsed this approach. We have a good opportunity to bring our mineral policies into the 21st century, and the mineral subtitle in this bipartisan Energy bill offers us that chance.

I want to note the other members of the energy committee who have been very helpful in helping to advance this legislation. Senator RISCH was very helpful as was Senator CRAPO of Idaho and Senator HELLER. They were all cosponsors of the original bill with me. There were many other cosponsors from both sides of the aisle in recent Congresses, and we also thank the Presiding Officer for his support as well.

I also wish to acknowledge Secretary Moniz, the Secretary of Energy, and his team over there at DOE, and Director Kimball, who is the Director of the U.S. Geological Survey. They helped us a lot when it came to drafting this bill, and I thank them for that.

I have consumed more time than I should, but I hope everyone can hear the enthusiasm I have in ensuring that as we modernize our energy policies, we do not take a step forward to help address what we need to do on the energy front and fail to bring along the growing concerns that we have in needing to modernize and understand our mineral resources and how we can ensure that there is that level of true energy security that helps us with our economic security and certainly our national security.

With that, I see that my colleague from Alabama is here, so I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the senior Senator from Alaska for her leadership and comments on this bill, and I will have thoughts on that subject as we go forward. We have had some good things happen in energy, and we need to keep having that happen. Energy serves the American people. A low cost of energy is a blessing, a high cost of energy is a detriment to working families.

I truly believe we need to make clear to the American people that those of us, like the Senator from Alaska who fought to increase production of energy, have done so not to provide a profit to private companies but to have created a situation in which the price of energy would decline. We have had a large surge in energy, and sure enough the prices have declined. I think that is a good thing.

## TRANS-PACIFIC PARTNERSHIP AGREEMENT

Mr. SESSIONS. Mr. President, I wish to share some thoughts tonight, before we go out, about the trade issue this Nation is facing, and it is a highly significant issue. The President is expected to sign the Trans-Pacific Partnership on February 4. It is a historic event. It cannot become law of the United States of America. It is detrimental to this economy. It is particularly detrimental to people who go to work every day and would like more jobs. They would like higher paying jobs and better benefits. It is detrimental to that, and we are going to establish that point. We have a Presidential campaign going on today and people need to talk about it. The American people need to know where their candidates stand on it.

Well, let me share a few thoughts tonight and begin this discussion. The President is expected to sign the agreement on February 4. He negotiated this agreement with 11 different countries in the Pacific region. At some point he will implement legislation and then Congress will vote on whether to go forward. The legislation is part of the fast-track process, so it will not be filibustered. The bill will come up on a simple majority vote. No amendments will be allowed. It will simply be an up-or-down vote.

What is happening in the world trade market today? On Monday, January 25 of this week, Ford announced that they were leaving the Japanese and Indonesian markets. Indonesia and Japan are good friends of ours. They are good countries, but they are tough trading partners. Why did Ford leave Japan? They sell automobiles all over the world. They sell them in Europe, Mexico, and South America. Why are they not able to compete in Japan?

What did Ford say? They said that nontariff barriers have prevented them from selling cars in the market. In 2015, Ford sold less than 5,000 cars in Japan, representing six-tenths of 1 percent of the Japanese automobile market. In fact, only 6 percent of the automobiles sold in Japan are manufactured outside of Japan. It is not a question of tariffs. That is not the problem in dealing with Japan and importing cars into Japan. The Japanese have erected substantial nontariff barriers. In fact, Hyundai, a very fine South Korean automobile company in my state, attempted to sell in Japan for some time, and they recently gave up.

What is the policy of Japan? The truth is Japan talks about free trade, but like most of our Asian allies and trading competitors, they are mercantile. The essence of having a successful mercantile economy is to export more and import less. This is the reality we are dealing with. The people who are and have been negotiating our trade agreements don't seem to understand this or don't care. In fact, they basically say: Well, if someone sells a product cheaper here, we don't care. We will buy it. They don't worry if we can't sell products in their country.

A trading agreement is a contract between two nations—we were all taught that in law school—and it should serve the interests of both parties. When a contract ceases to advantage both parties, you abandon the contract. It shouldn't be signed or it should end.

What else about this agreement? It creates an international commission—a commission of the 11 or 12 countries, including the United States. The language, by definition of our own administration, is that the agreement is a living agreement.

The Presiding Officer is a fine lawyer. He has worked at the court of appeals. I know a living agreement makes the hair on the back of his neck stand up. It makes you nervous. A living agreement is no agreement at all. It can just be changed. They acknowledge and repeatedly say in the fast-track documents that nations can meet and change the agreement anytime they want. They can update it for changed circumstances, which is what activist judges say when they redefine the meaning of the U.S. Constitution. They like to say that they are updating it for changed circumstances.

Well, Congress is supposed to do that, it seems to me, but anyway this agreement is a living agreement. It contains 5,554 pages. It is twice the length of the Holy Scriptures. It includes section 27, which sets up an international commission with nearly unregulated power. In fact, our own U.S. Trade Representatives—our own Web site—states that the Commission is formed ''to enable the updating of the agreement as appropriate to address trade issues that emerge in the future as well as new issues that arise with the expansion of the agreement to include new countries.'' Congress would be launching such an event into the future. Well, what is our problem?

Well, what is one of the major problems that we have today? It is our substantial trade deficit. One report, which I think is probably conservative, says that one-half of 1 percent of the GDP has been lost in the United States as a result of our trade deficit. That is probably an acceptable economic estimate, and that is significant. When you have 2 percent GDP, you are losing 25 percent based on the trade deficit. We have to have growth in this country, more GDP, more Americans working, more people with better jobs and better pay, and part of that is manufacturing.

The final figures for 2015 are expected to show that the bilateral trade deficit with China is increased to 8 percent to a record of around $365 billion. China is not a part of these 12 nations, but it has openly been said that they could be made a part of it in the future if countries vote them in.

According to the Economic Policy Institute, growing U.S. trade deficits with China through 2013 eliminated 3.2 million jobs. Is that an accurate figure? I don't know for sure, but no one

disputes that trade deficits with China have cost more than 1 million jobs. When you lose 1 million jobs, people go on welfare, need unemployment compensation or retire early. All of these are damaging events to the American economy.

The White House claims that this Trans-Pacific Partnership Agreement—this trade agreement—is critical to limit China's economic influence. We are going to hear about that a lot. We are going to hear the national security argument. However, a new study just released this month by the World Bank shows that China will actually see an increase in export potential if the TPP is approved by Congress. It is not going to constrict China. The World Bank says it is going to increase China's ability to export.

The report by the World Bank stated that the overall impact on China would be ''really negligible.'' It is not a good argument to state that it is somehow going to boost other economies in the United States as it relates to China. China is not going to be hurt by this agreement.

The World Bank study further reports that Japan would see an extra economic growth of 2.7 percent by 2030 while the United States could expect only nominal growth of perhaps four-tenths of 1 percent.

Robert Scott of the Economic Policy Institute states that the TPP could slow the reshoring of American jobs, especially in the automobile sector.

We have had a nice development in recent years. My State has benefited so tremendously from foreign automobile investments. Instead of making automobiles in Korea, Germany, and Japan, they built plants around the country, and some were built in my home State of Alabama, and make the automobiles there.

I don't think there is any doubt that this agreement could reduce job reshoring because there is a small tariff on imported automobiles and that would be eliminated so that little advantage in moving a plant to the United States would be lost.

Get this. The Fact Checker at the Washington Post gave the President's claim that the Trans-Pacific Partnership would create 650,000 jobs four Pinocchios. That is a pretty bad falsehood. They ought to give it five Pinocchios.

Let's talk about reality. I have talked about trade agreements. Republicans favor trade agreements. I favor trade agreements, but they have to be good agreements. You have to be careful. What about this Korea trade agreement with our friends in South Korea. They are smart negotiators. Last year our trade deficit with South Korea from January to November—we don't have the numbers for December yet—was $26 billion. Maybe the rest of the year will be about $28 to $29 billion. That would be about 15 percent higher than last year's trade deficit with South Korea.

President Obama signed the agreement in 2010. When he signed it, President Obama promised that the South Korea trade deal would increase American exports to South Korea by $11 billion a year. All right. I want to be cooperative. We like our allies in South Korea, and I voted for the agreement. But what happened? Over 11 months of last year the United States exported 1.2 billion more than we did when the deal was signed in 2010—not $10 or $11 billion more, $1.2 billion. The year before that it was $0.8 billion. We haven't seen a surge of exports to South Korea. Didn't the negotiators know that? They told us differently.

What about South Korea's imports to the United States—their exports to the United States; what about them? They have risen not $1 billion but instead $20 billion. Since 2010 our trade deficit with South Korea has risen nearly 260 percent, from $10 billion in 2010 to about $28 billion last year. That is a stunning development.

So we are going to have to vote on this. And we have been told and we have beliefs that things are going to be better than that. It is not happening in that way. I urge us to study the facts and figures to be realistic. Trade is a good thing, and I have been a supporter. But it is not a religion with me. It is a contract. It is a deal, and deals are to serve the interests of the American people. It has not been doing so. Even the Peterson Institute, which supports these trade agreements, said there would be 120,000 fewer manufacturing jobs over the next 9 years if this agreement takes place in the United States.

Mr. President, I see our leader. He has had a busy week. I appreciate the opportunity to share these remarks.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

## FAREWELL TO MIKE BRUMAS

Mr. MCCONNELL. Mr. President, before the Senator from Alabama leaves the floor, we had an opportunity this afternoon to say goodbye to a good man, Mike Brumas, who worked for both of us here in the Senate. It was a really good chance to thank an old friend of both of ours; didn't the Senator from Alabama think so?

Mr. SESSIONS. I think so. People wonder about whom we get to work for us up here and who is helping to run this government. But Mike Brumas—14 years at the Birmingham News. I don't think there is any doubt he was the most popular reporter in the State of Alabama for me and other people, and he was a great asset to me and to the majority leader.

Mr. MCCONNELL. Mr. President, I particularly enjoyed the observation of the Senator from Alabama of taking the chance of bringing somebody over from the dark side and had some doubts about whether he could make the transition, but he obviously did it very well.

Mr. SESSIONS. He really did. He was loyal to me, and I know he was loyal to you, and he shared the visions we have tried to execute. I think the size of the crowd and the enthusiastic well wishes he got were a testament to the quality of his contribution.

I thank the majority leader for hosting that event.

## TRIBUTE TO DR. JOHN CHOWNING

Mr. MCCONNELL. Mr. President, I wish to pay tribute to a good friend of mine and a friend to the Commonwealth of Kentucky. Dr. John Chowning, who served as the vice president for church and external relations and executive assistant to the president at Campbellsville University, has recently retired from that post after more than a quarter century with that institution. I know he is going to be greatly missed by his colleagues, by the higher education community across the State, and by all of us who work on and care about education issues.

Dr. Chowning first became involved in fundraising for Campbellsville University in 1989. He became a member of the university's board of trustees in 1992. He served on that board for 7 years, including service as board chair. Then he became a full-time employee in 1998. He taught at the school for several years as an adjunct in the political science department and served as chair of the university's diversity committee, strategic planning, and university council.

In his various roles throughout the years, Dr. Chowning has taken the lead or been a major influence on several important issues. He established a dialogue on race to foster racial reconciliation. He led Greater Campbellsville United, an organization that strives to create opportunity for all residents of the Campbellsville-Taylor County region. He helped found the Campbellsville-Taylor County Economic Development Authority and served as its chairman.

Working with the Economic Development Authority, he led the way to create a dislocated worker program in Campbellsville when a factory in the region closed and caused jobs to leave the area. And I am proud of the work he and I did together to help create the university's Technology Training Center, a partnership with local governments and Campbellsville University to provide training to the local workforce.

The list of people who are congratulating Dr. Chowning on a remarkable career of service is long, and I am proud to add my name to that list. I am pleased by the fact that Dr. Chowning will remain on in a part-time capacity so Campbellsville University and the Commonwealth can continue to reap the benefit of his knowledge, wisdom, and experience. I want to wish him and his family the very best as he begins this new chapter.

A local publication, the Greensburg Record-Herald, recently published an article extoling Dr. Chowning's life of accomplishment. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Greensburg Record-Herald, Dec. 23, 2015]

CU'S JOHN CHOWNING ANNOUNCES RETIREMENT AS OF JAN. 1

(By Joan McKinney)

Dr. John Chowning, vice president for church and external relations and executive assistant to the president at Campbellsville University and a former chair and board member of the Campbellsville University Board of Trustees, has announced his retirement effective Jan. 1, 2016.

Dr. Michael V. Carter, president of Campbellsville University, with whom Chowning worked for 17 years, said, ''John Chowning is one of the most gifted individuals I have ever met. He is a great thinker, and he is wise in his approach to topics across a broad spectrum.

''John is a very good writer, an accomplished speaker, teacher and preacher. He is detailed and is a well-read public policy analyst on a broad array of topics.

''We will miss him on a day-to-day basis, but we are so fortunate he is serving in a new part-time role for the university.''

Chowning is retiring after 26 years of service to Campbellsville University. However, he will continue to work part time as executive assistant to the president for government, community and constituent relations beginning in January 2016.

Chowning became involved in fundraising with Campbellsville University in 1989 and became a member of the university's Board of Trustees in 1992.

He continued on the board for the next seven years, serving as chair in 1996 and 1997. He became a full-time employee in February 1998.

Dr. Joseph L. Owens, who is serving his fifth term as chair of the Campbellsville University Board of Trustees, said, ''Dr. John Chowning is a shining example of selfless service that has made a difference in many lives at Campbellsville University. He is highly motivated, personable and a spirit-filled man of God.

''His love for the Lord is exemplified in his Christ-like character, as well as his concern for excelling in diversity, diplomacy and the development of bridge-building relationships.''

Serving as executive vice president for church and external relations and executive assistant to the president has been ''a very humbling and rewarding career path in which God's divine guidance has been evident in the progress CU has seen,'' Chowning said.

He taught as an adjunct for several years in Campbellsville University's political science department. He has served as chair of the university's diversity committee, strategic planning and University Council.

Chowning founded and has directed the Kentucky Heartland Institute on Public Policy at Campbellsville University which has hosted a wide array of speakers and forums on a host of public policy issues.

Chowning has been involved in many endeavors at Campbellsville University including race reconciliation, and establishing Dialogue on Race, a project dear to his heart. He has served as a leader of Greater Campbellsville United, the focus of which is to help create an environment of equality and opportunity for all residents of Campbellsville-Taylor County and the heartland region of Kentucky.

Chowning was one of the founding members of Team Taylor County (Campbellsville-Taylor County Economic Development Authority) and served for several years as chair and continues as a member of the board.

He received the Governor's Development Leadership Award in 1999 and was named Citizen of the Year for Campbellsville-Taylor County two separate years by the Campbellsville-Taylor County Chamber of Commerce.

Chowning was founding member of the Center for Rural Development and former chair; founding member of the Southern Kentucky Economic Development Corporation and former chair; and founding member and former board member and secretary of Forward in the Fifth education reform group.

With his work with the Economic Development Authority in Campbellsville, he was instrumental in organizing a dislocated worker program at Campbellsville when Fruit of the Loom closed in Campbellsville in 1997–98.

With the support of CU presidents Dr. Ken Winters and Carter, Chowning proposed the university's Technology Training Center and coordinated efforts to secure funding for the project by working with U.S. Sen. Mitch McConnell.

Chowning has left his mark on Campbellsville University with the naming of the Pence-Chowning Art Gallery, the Chowning Art Shop, the Chowning Executive Dining Room and the Chowning Patio.

He and his wife, Cathy Pence Chowning, have established an endowed scholarship fund at Campbellsville University that provides annual scholarship awards to qualifying minority students.

In his role as a pastor, Chowning is an active member and former secretary of Taylor County Ministerial Association and is a member of the executive boards of Taylor County Baptist Association and Zion District Association of Baptists.

He has led his church, Saloma Baptist Church of which he has served as senior pastor since 1994, to become a member of the General Association of Baptists in Kentucky, the state's historic black Baptist state convention—one of two historically Anglo Baptist churches to join the GABKY. He has been active in the life of the GABKY for the past several years.

Chowning has a master's of public administration (planning emphasis) from Eastern Kentucky University; a bachelor of arts in political science from Transylvania University, and an associate of arts from Lindsey Wilson College.

''From serving as trustee chair and vice chair and two terms as a board member to the past 18 years in my current role, my association with Campbellsville University has been one of the most rewarding and meaningful affiliations of my career,'' Chowning said.

## SELECT COMMITTEE ON ETHICS ANNUAL REPORT FOR 2015

Mr. ISAKSON. Mr. President, I ask unanimous consent, for myself as chairman of the Select Committee on Ethics and for Senator BOXER as vice chairman of the committee, that the Annual Report of the Select Committee on Ethics for calendar year 2015 be printed in the RECORD. The Committee issues this report today, January 28, 2016, as required by the Honest Leadership and Open Government Act of 2007.

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

U.S. SENATE,
SELECT COMMITTEE ON ETHICS,
*Washington, DC, January 28, 2016.*

ANNUAL REPORT OF THE SELECT COMMITTEE ON ETHICS 114TH CONGRESS, SECOND SESSION

The Honest Leadership and Open Government Act of 2007 (the ''Act'') calls for the Select Committee on Ethics of the United States Senate to issue an annual report not later than January 31st of each year providing information in certain categories describing its activities for the preceding year. Reported below is the information describing the Committee's activities in 2015 in the categories set forth in the Act:

(1) The number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff of the Committee: 55. (In addition, 2 alleged violations from the previous year were carried into 2015.)

(2) The number of alleged violations that were dismissed—

(A) For lack of subject matter jurisdiction or in which, even if the allegations in the complaint are true, no violation of Senate rules would exist: 36.

(B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 13.

(3) The number of alleged violations for which the Committee staff conducted a preliminary inquiry: 7. (This figure includes 2 matters from the previous calendar year carried into 2015.)

(4) The number of alleged violations for which the Committee staff conducted a preliminary inquiry that resulted in an adjudicatory review: 0.

(5) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee dismissed the matter for lack of substantial merit or because it was inadvertent, technical or otherwise of a de minimis nature: 5.

(6) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee issued private or public letters of admonition: 0.

(7) The number of matters resulting in a disciplinary sanction: 0.

(8) Any other information deemed by the Committee to be appropriate to describe its activities in the previous year:

In 2015, the Committee staff conducted seven new Member and staff ethics training sessions; 20 Member and committee office campaign briefings (includes one remedial training session); 20 employee code of conduct training sessions; 13 public financial disclosure clinics, seminars, and webinars; 27 ethics seminars and customized briefings for Member DC offices, state offices, and Senate committees; two private sector ethics briefings; and five international briefings.

In 2015, the Committee staff handled approximately 10,265 telephone inquiries and 2,784 inquiries by email for ethics advice and guidance.

In 2015, the Committee wrote approximately 930 ethics advisory letters and responses including, but not limited to, 793 travel and gifts matters (Senate Rule 35) and 83 conflict of interest matters (Senate Rule 37).

In 2015, the Committee received 3,179 public financial disclosure and periodic disclosure of financial transactions reports.

## VOTE EXPLANATION

Mr. NELSON. Mr. President, I was necessarily absent for yesterday's vote

to confirm the nomination of John Michael Vazquez of New Jersey to be U.S. district judge for the District of New Jersey. I would have voted yea.

Mr. President, I was necessarily absent for today's votes on Senator MARKEY's amendment, No. 2982, and Senator CRAPO's amendment, No. 3021, to the Energy Policy Modernization Act, S. 2012. I would have voted yea on both of these amendments.

## HOLD ON S. 2415

Mr. GRASSLEY. Mr. President, I want to inform my colleagues that I have placed a hold on S. 2415, the EB–5 Integrity Act of 2015. I have been working for years to reform the EB–5 immigrant investor program, which is run by the U.S. Citizenship and Immigration Services, and have introduced legislation with Senator LEAHY to overhaul the program.

Our bill, S. 1501, is a comprehensive approach to dealing with the fraud, abuse, and national security vulnerabilities. Our bill also restores the program back to its original intent to ensure that rural and high unemployment areas have access to this source of capital.

S. 2415 is a bill that is modeled almost identically after S. 1501; yet it is weaker and leaves behind many provisions that would in fact bring integrity back into the program. Late last year, I objected to bringing S. 2415 up by unanimous consent and have placed a hold on the bill because I hoped we could consider more effective measures to root out fraud and abuse and create real jobs and do it in a comprehensive manner that ensures the program is able to work for every part of the country for years to come.

As I stated previously on this floor, the failure to include needed reforms last year means the program continues to pose risks to the homeland. I am not so sure reforms are possible anymore. It may be time to do away with it completely.

Nevertheless, if we pass legislation to extend the EB–5 program beyond this fiscal year, I hope to work with my colleagues to achieve true reform.

## HONORING CHRISTA MCAULIFFE AND THE ENTIRE ''CHALLENGER'' CREW

Mrs. SHAHEEN. Mr. President, I wish to salute the memory of the seven brave crewmembers of Space Shuttle *Challenger*, who perished on a mission of exploration and discovery 30 years ago today, on January 28, 1986. I honor the memory of all seven *Challenger* crewmembers: Gregory Jarvis, Judith Resnik, Francis Scobee, Ronald McNair, Michael Smith, Ellison Onizuka, and Christa McAuliffe.

Indeed, Congress permanently honors the *Challenger* crew with a painted lunette medallion of the crew prominently placed in the Brumidi Corridor of the Capitol Building, one floor below this Chamber. In that painting, six of the crewmembers are depicted holding their helmets in their arms, but one crewmember, Christa McAuliffe, is holding in her arms not her helmet but a globe.

For Granite Staters and for teachers and educators all across America and the world, there is a very special place in our hearts for Christa McAuliffe, a social studies teacher at Concord High School who was selected from more than 11,000 applicants to become the first NASA teacher in space.

During a year of extensive training at NASA before the mission, Christa created science lessons that she planned to teach from space while on board *Challenger*, broadcasting her lessons and observations to students all across Earth.

As a former teacher, I witnessed the impact that Christa's participation had on students and teachers. The *Challenger* was integrated into the classroom curriculum, allowing students to discover a passion for science. We continue to see the contributions of the *Challenger's* crew in the students who pursue careers in the sciences and in the success of recent NASA missions.

I am especially pleased to witness Christa McAuliffe's continuing impact in advancing education in the STEM fields—science, technology, engineering, and math—and encouraging young people—especially young women—to pursue careers in STEM fields.

A few months after the accident, the families of the *Challenger*'s crew created the first Challenger Center for Space Science Education, a nonprofit that engages students and teachers in hands-on education in science, technology, engineering, and mathematics. Since then, 40 Challenger learning centers have opened their doors in the U.S. and other countries, and they are expanding opportunities for innovative programs and activities in STEM .

We all appreciate that this is a very difficult day for the many outstanding professionals at NASA. On that day, they lost seven wonderful colleagues. Our heart goes out to the NASA family and the families of all seven crewmembers on this day of remembrance.

As an astronaut, Christa McAuliffe was on a mission to outer space. But, as a teacher, she was also on a personal mission to educate and enlighten. She opened the eyes of young people around the world to the wonders of our planet and universe. Today, we remember and honor her bravery, her passion for teaching, and her tremendous legacy.

## HONORING OFFICER DOUG BARNEY

Mr. LEE. Mr. President, on Sunday, January 17, 2016, this country lost an American hero—Officer Doug Barney of the Unified Police Department in Salt Lake County, Utah, was shot and killed in the line of duty. He died honorably, doing what he loved to do: serving and protecting his community.

Every day of his 18 years on the force, Officer Barney made his community not just safer but better. I know this not from personal experience—I was not one of those fortunate enough to have met Officer Barney—but from the community's response to his untimely death.

When the tragic news spread across Utah and the Nation, those who knew him or knew of him—and it was hard to live in Salt Lake County without knowing Officer Barney—sprung into action to support his family and to commemorate his life of service.

The most important step was taken first: to surround Officer Barney's wife and three teenage children with love, comfort, and assistance. The outpouring of support came not just from friends, family, and neighbors, but from strangers, too. Nanette Wride and Shante Johnson didn't know Officer Barney, but they were among the first to join his wife, Erika, on her long journey of healing. Indeed, Wride and Johnson came as fellow travelers on that journey—they, too, had suffered the loss of a husband serving on the front lines of law enforcement—knowing all too well the unique challenges facing the Barney family during this trying time.

Then there was the candlelight vigil honoring Officer Barney, hosted by the Salt Lake Valley Law Enforcement Association and the city of Holladay, UT. Despite bitterly cold temperatures, hundreds of friends and neighbors huddled to pay their respects to the man who had meant so much to so many.

That same night, another ceremony took place at the Utah State capitol, as firefighters, first responders, and police officers gathered to receive the U.S. honor flag at the end of its thousand-mile journey from Fort Worth, TX. The flag has flown over battlefields in Iraq and Afghanistan, as well as Ground Zero in New York City, and now, it is escorted by State troopers to communities across America that are mourning the loss and honoring the sacrifice of those who have been killed in the line of duty. It stayed with Officer Barney's body until his funeral, which brought together thousands from across the country.

This was not the first time Doug Barney galvanized his community. In 2010, the students, teachers, and administrators of Eisenhower Junior High School rallied behind Officer Barney who was in the middle of what would become a 12-year battle with cancer. To the students, Officer Barney, the school's resource officer, was ''one of the good guys,'' so they organized a dodge-ball tournament—they called it the Battle for Barney—that raised over $1,000 to help him pay for his medical treatment.

All of this stands as a testament to the profound impact Officer Barney had on the people and the community he dedicated his life to serve. Standing 6 feet, 5 inches tall, he had the physical attributes to be a good police officer, but as someone who genuinely respected and cared about everyone he

met, he had the character to be a good person. And that is how Officer Barney will forever be remembered.

His death serves as a stark reminder of the dangers our law enforcement personnel face every single day. Living with the hazards of the job takes a tremendous amount of courage. And Officer Barney was as brave as they come. Whenever he had to take time off from work for his cancer treatments, he was always eager to return. In fact, he had not been scheduled to work on January 17—that fateful Sunday when he gave the ultimate sacrifice. But with medical bills to pay and a family to feed, he volunteered to work overtime—which is exactly what you would expect from a man like Officer Barney, who chose to enter the police force 18 years ago for just one reason, to help people.

Doug Barney was taken from this life tragically early, but he did more good in his 44 years on this Earth than most of us can hope to accomplish in a lifetime. May he rest in peace, and may God bless his family and the community he served. It will never be the same without him.

## ADDITIONAL STATEMENTS

### TRIBUTE TO MASTER SERGEANT RAYMOND E. KELLEY

• Mrs. CAPITO. Mr. President, I wish to recognize the exceptionally meritorious career of one of this Nation's finest, MSG Raymond E. Kelley, on his retirement after 26 years of sacrifice and selfless service to the United States of America and the State of West Virginia.

Master Sergeant Kelley's career began on February 12, 1983, and ended upon his retirement on December 28, 2015. He first enlisted in Parkersburg, WV, as a heavy equipment operator with Company C, 463rd Engineer Battalion in the U.S. Army Reserve. In 1985, Master Sergeant Kelley transferred to the Navy, serving as a Seabee, completing deployments to Somalia and Bahrain through October 1993.

After a break in service, Master Sergeant Kelley returned to the Navy Reserves in 1996 and later joined the West Virginia Army National Guard in February 2000 as a staff sergeant and was assigned as a combat engineer section leader. In 2003, Master Sergeant Kelley deployed to Iraq with the Headquarters and Support Company 1092nd Engineer Battalion as a construction foreman.

Following the deployment, Master Sergeant Kelley was promoted and served as a platoon sergeant for the 119th Engineer Support Company, Clarksburg, WV, and the 1st Detachment of the 1092nd, Headquarters and Support Company, Point Pleasant, WV.

In 2006, Master Sergeant Kelley was assigned to the 193rd Equipment Support Platoon in Moundsville, WV, where he served as the senior noncommissioned officer for the unit and the unit full-time readiness noncommissioned officer.

In 2011, Master Sergeant Kelley was transferred to the 1092nd Engineer Battalion, Headquarters and Support Company as the assistant operations sergeant and was promoted in September 2012 as the battalion operations sergeant.

His awards and decorations include a Meritorious Service Medal, second award; Army Commendation Medal, third award; Army Reserve Component Achievement Medal, third award; Army Achievement Medal, third award; National Defense Service Medal, second award; Global War on Terrorism Expeditionary Medal; Global War on Terrorism Service Medal; Iraq Campaign Medal with Campaign Star; Armed Forces Reserve Medal with Mobilization Device; Army Service Ribbon; Non-Commissioned Officer Ribbon, third award; Overseas Service Ribbon; Combat Action Badge; Joint Meritorious Unit Award; Army Good Conduct Medal, second award; Army Meritorious Unit Commendation; United States Navy Presidential Unit Commendation; Navy Presidential Unit Citation; Navy Achievement Medal, third award; United States Navy Overseas Service Ribbon; Navy Good Conduct Award, second award; West Virginia Emergency Service Medal, third award; WV State Service Ribbon, third award; West Virginia Achievement Ribbon; and West Virginia National Guard Minuteman Ribbon, third award.

Master Sergeant Kelley made significant contributions to all of the units to which he has been assigned throughout his 26 years of service. As the platoon sergeant for the 193rd Equipment Support Platoon, his unit consistently maintained strength in excess of 100 percent and had the highest morale of any unit in the 1092nd Engineer Battalion. As the battalion operations sergeant, Master Sergeant Kelley managed all training events and training requirements, ensuring subordinate units were prepared for all potential missions.

Master Sergeant Kelley resides with his wife, Rhonda, in Parkersburg, WV. They have three children: Seth, Hanna, and Chance. Master Sergeant Kelley is a fellow runner, as well as an avid outdoorsman. I wish him a fond farewell and the best of luck in the next phase of his life. He has shown leadership and wisdom throughout his numerous assignments. He has made a difference in the readiness of the West Virginia National Guard, in the morale of his units, and most importantly, in the lives of thousands of servicemembers. He has been an asset and a treasure; his presence will be missed by many and by the West Virginia National Guard as a whole.

Master Sergeant Kelley, I am honored to call you a fellow West Virginian; but most of all, thankful for your endless dedication that has meant so much, to so many.•

### TRIBUTE TO JUDGE JOHN J. DRISCOLL

• Mr. CASEY. Mr. President, today I wish to recognize the distinguished career of the Honorable John J. Driscoll who retired on December 31, 2015, as a senior judge from the Westmoreland County Court of Common Pleas.

His distinctive career as an elected public official spans more than three decades and is marked by excellence, dedication, hard work, and a genuine love for serving others. Improving the lives of others has been of paramount importance throughout his career.

In 1984, Judge Driscoll served as the Westmoreland County district attorney. As a district attorney, Judge Driscoll was one of the first in Pennsylvania to have a victim witness coordinator, whose duties included informing victims of the case status, assisting eligible victims with obtaining funds under the Pennsylvania Victim Compensation Assistance Fund, and helping victims to receive restitution from defendants found guilty.

A decade later, he was appointed to an open seat on the Westmoreland County Court of Common Pleas and was elected in 1995 to continue his service. After a brief stint in criminal court, Judge Driscoll returned to family court because he believed it was the best way to help children, not only in custody cases, but also in other cases affecting juveniles. His work with juvenile offenders and exchanges with their parents played an important role in making lasting changes in their lives and reducing crime in the community. Furthermore, Judge Driscoll has been a strong advocate for offender rehabilitation as an effective way to reduce recidivism.

His commitment to the community has also been a constant throughout his career, including his work as a trustee on the Board of Excela Health, a Paul Harris Fellow from the Greensburg Rotary Club, and as a past chair of the Pennsylvania Supreme Court's criminal procedural rules committee. Judge Driscoll has received many rewards for his service including the Fred Funari Mental Health Association Award of Distinction from the Mental Health Association of Westmoreland County.

Judge Driscoll has also had a most distinguished career in the Navy and received several awards for service to his country. They include the Naval Achievement Medal, the Republic of Vietnam Campaign Medal, the Presidential Unit Citation, and the National Defense Service Medal for exceptionally meritorious service as part of U.S. naval support activity in Danang, Republic of Vietnam.

Although he officially retired on December 31, 2012, Judge Driscoll continued to serve the court during the past 3 years. Despite being paid for only 10 days of service each month, I understand he generally arrived to work early and often left well after closing time. I know his colleagues in the

Westmoreland County courthouse will miss him.

Last, but not least, the gentle guiding force behind John is his beloved wife, Anne, and they cherish their five children and five grandchildren.

It is with great pride that I recognize Judge John Driscoll for his distinguished career in public service. I ask my colleagues to join me in wishing him the best of luck and a happy and healthy retirement.●

## RECOGNIZING THE LOUISIANA MUNICIPAL ASSOCIATION

● Mr. CASSIDY. Mr. President, today I am honored to have the opportunity to acknowledge and express gratitude to the Louisiana Municipal Association, LMA, in recognition of their 90th anniversary.

Founded in 1926, the Louisiana Conference of Mayors was created with the purpose of providing a forum for mutual consultation and discussion of various topics affecting municipal government. The organization also aided the growth and development of each municipality through education about best practices problem solving. Shortly after the Louisiana Conference of Mayors was created, the Great Depression swept the Nation. In 1937, a handful of resilient mayors met to revive the organization, giving it new life as the Louisiana Municipal Association. They may not have foreseen that their tenacity in overcoming adversity during the Great Depression and taking proactive steps to keep Louisiana municipalities united and strong would form the basis for the core values to which the LMA still adheres today.

From its inception, the LMA has focused on helping local elected leaders create and maintain efficient and effective municipal governments. In 1987, the nonprofit, nonpartisan LMA created Risk Management, Inc., RMI, to address the insurance and liability demands of member municipalities through its inter-local risk pool. In 1999, the Louisiana Municipal Advisory and Technical Services Bureau, Inc., LaMATS, was created with the purpose of providing essential services to assist municipalities in their day-to-day operations.

In addition to these wholly owned subsidiaries, the LMA has three political subdivisions—Louisiana Municipal Gas Authority, Unemployment Compensation Fund, and Louisiana Community Development Authority; four advisory organizations—Louisiana Association of Chiefs of Police, Louisiana Rural Water Association, Louisiana Conference of Mayors, and Louisiana Municipal Black Caucus Association; and nine affiliate organizations—Municipal Employees Retirement System, Louisiana City Attorneys Association, Louisiana Association of Municipal Secretaries and Assistants, Louisiana Recreation and Parks Association, Louisiana Association of Tax Administrators, Louisiana Municipal Clerks Association, Building Officials Association of Louisiana, Louisiana Airport Managers and Associates, and Louisiana Fire Chiefs Association.

For decades, the LMA has had tremendous success engaging with its State and Federal partners. In the Louisiana Legislature, the LMA has been a strong voice in the efforts to fight blight, promote law enforcement, and enhance economic growth. On the Federal level, the LMA joined forces with the National League of Cities and other coastal State municipal leagues to lead the charge in petitioning Congress to enact the Homeowners Flood Insurance Affordability Act of 2014, which enacted critical reforms to the Biggert Waters Act of 2012. I was proud to work with the LMA on the inclusion of the Grimm-Cassidy amendment to this legislation, thereby facilitating affordable homeowner flood insurance in Louisiana and across the country.

For 90 years, the LMA has worked to strengthen Louisiana through support and empowerment of municipal government. The organization has launched a yearlong celebration of this anniversary by naming 2016 the ''Year of Education.'' Opening festivities for this theme will commence in February under the auspices of the 2016 LMA executive board officers—President Mayor Carroll Breaux of Springhill, First Vice President Mayor Barney Arceneaux of Gonzales, Second Vice President Mayor Lawrence Henagan of DeQuincy, Immediate Past President Mayor David Camardelle of Grand Isle, and District A Vice President Mayor Jimmy Williams of Sibley. The executive director of LMA is Ronnie Harris, former 28-year mayor of Gretna.

What started out as a collection of 29 forward-thinking mayors seeking to empower their communities has evolved into a praiseworthy organization that has earned the esteem and trust of local, State, and Federal elected officials, as well as fellow municipal leagues.

I would like to congratulate the LMA on its 90th anniversary and wish them many more years of strength and excellence.●

## REMEMBERING JACK REED, SR.

● Mr. COCHRAN. Mr. President, the State of Mississippi and the city of Tupelo lost a leader and model citizen with the passing of Jack Reed, Sr., on January 27. He led a remarkable life and earned an enviable reputation as a businessman, community leader, civil rights advocate, and education reformer. His tireless work in these roles was felt throughout Mississippi and set an example for embracing our better nature in facing all challenges.

It has been a great privilege to have known Jack Reed. He was the epitome of a goodhearted man and my friend. I join a grateful State in expressing our appreciation for a life well lived that benefited us all.

I ask that a January 28, 2016, article titled ''Tupelo Spirit loses a star: Reed remembered as one of Tupelo's best'' from the Daily Journal newspaper be printed in the RECORD.

The material follows:

[From the Daily Journal, Jan. 28, 2016]

TUPELO SPIRT LOSES A STAR: REED REMEMBERED AS ONE OF TUPELO'S BEST

TUPELO.—Jack Raymond Reed, 91, Tupelo's pre-eminent civic leader, died Wednesday at his residence.

Reed was among the last of a Greatest Generation cadre of Tupelo's business and professional leadership who, after World War II, transformed a pleasant county-seat town into a thriving city which became a regional magnet for economic growth, employment, strong public education and a vigorous arts and cultural community.

Reed earned a national reputation as an eloquent advocate for racial fairness and reconciliation in Mississippi. He had served as a member of the United Methodist Church's Commission on Religion and Race, through which he became friends with key leaders in the national Civil Rights Movement.

''Of all the people I have known in our state of Mississippi, none has been more inspiring than Jack Reed. He was a leader in every way his whole lifetime,'' said former Mississippi Gov. William Winter. ''He was right and generous and fair in his personal, private and public views. He was an inspiration to me in both political and personal relationships. Jack commanded respect. He did nothing that was detrimental to our state or the principles for which he stood. He was a Christian man, an active member of his beloved Methodist church. He has made a mark in Mississippi that will live forever.''

Reed was chairman of R.W. Reed Co., the retail store founded by his father in the early 20th century, and he led Reed Manufacturing, which was a major force among Mississippi garment industry employers in its heyday.

Funeral services will be 11 a.m. Saturday at First United Methodist Church. Visitation will be from 4 to 7 p.m. Friday at the church.

Reed, born May 19, 1924, in Tupelo, was the son of Robert W. Reed Sr. and Hoyt Raymond Reed, herself a descendant of an early, influential Lee County family.

Reed and his brothers, R.W. Reed Jr. and William Reed, were high-profile leaders in the region's business and manufacturing community for more than 50 years.

Reed graduated from Tupelo High School with honors, attended Vanderbilt University and graduated with a bachelor's degree with honors in 1947, following an interruption of his college days for service in the South Pacific during World War II in the Signal Intelligence Service, U.S. Army of Occupation.

Following the war, Reed earned a master's degree in retailing from New York University and returned to Tupelo, where he joined the businesses founded by his father and his father's brothers.

''Since the 1950s, Jack was considered to be in the upper leadership tier of the Tupelo area and from that platform, he really helped thousands of people by supporting numerous programs and initiatives,'' said Lewis Whitfield, senior vice president of the CREATE Foundation. ''He cared deeply about all people everywhere, and he was of course a tremendous advocate for education. He saw education as not only the key to community and economic development, but as a way for people to improve themselves. Jack was a great man and he left his mark on virtually every good thing in this community.''

Reed was a director emeritus of the Daily Journal's corporate board of directors, a position in which he served for a half century.

Reed had been a close friend, confidant and community builder with the late George McLean, the Daily Journal's executive editor, publisher and the founder of CREATE, the not-for-profit foundation which owns all stock in Journal Inc.

''Jack Reed lived a remarkable life, a life marked by love for his family, love for his community and really a love for all mankind,'' said former Daily Journal publisher Billy Crews, now a development officer at the University of Mississippi. ''He is among the best businessmen I have ever known, in part because his trade was only a portion of his total business interest. His combination of intellect, humor and optimism influenced thousands of others and the very culture of Tupelo and Northeast Mississippi. He was a pioneering leader in education and race relations.''

Reed was no stranger to community involvement. He was active in his whole career in the Mississippi Economic Council, of which he served as president in 1964; president of the Mississippi Retail Merchants in 1967; chair of the Tupelo Community Development Foundation in 1968; president of the Yocona Council of the Boy Scouts of America; national president of the Vanderbilt Alumni Association in 1972 and 1973; chair of the administrative board of the First United Methodist Church; chair of the Governor's Special Committee of Public Education in 1980 and 1981; chair of the State Board of Education; a member of the board of trustees of Millsaps College; a founding member of the executive committee of Lee United Neighbors; chair of the board of CREATE; founding director of LIFT Inc. and chair of the National Advisory Council on Education Research and Improvement from 1991 through 1994. In addition, he received Tupelo's Outstanding Citizen Award in 1971 and Lifetime Achievement Award in 2000.

''He was a very compassionate man, always willing to help those in troubling situations and people in every kind of life situation,'' said Guy Mitchell III, an attorney and confidant of Reed's. ''He was a giant as far as our city is concerned.''

He was married to Frances Purvis Reed, and they were the parents of four children, all of whom returned to Tupelo after college, three of them working for R.W. Reed Co. The fourth owns an investment firm in Tupelo. Jack Reed Jr. served as Tupelo mayor for one term, from 2009–13.

Reed was well known statewide and worked with other leaders of many political persuasions for causes held in common.

''He was a strong leader, not only on the local level but on the state level. A very open minded and fair thinking person,'' said Tupelo City Council member Nettie Davis, the longest serving council member and lifelong Tupelo resident. ''He's one that stood out as far as providing unity and good leadership. I think it's going to be a great loss to our city, our area and the state of Mississippi.''

Reed chaired Mississippi's first lay State Board of Education from 1982–87, and later was tapped by President George H.W. Bush to head up the National Advisory Committee on Education Research and Improvement.

Reed's stance on public education was a dominating portion of his campaign as the Republican nominee for governor in 1987. Reed eventually lost that race to Democrat Ray Mabus.

Reed, in a 1999 archived interview for the University of Southern Mississippi, described his early years in Tupelo.

''Well, it was different. It was a good time for me,'' Reed said in the interview. ''My father was a merchant here, and my mother was also a native of this area. I had two brothers; we had a nice home. And of course, in this area, if you had anything at all, servants were plentiful in those days. So, we always had a cook, and it was in the Depression. We were aware of the Depression, but my father, fortunately, sold his business at the . . . appropriate time, and just before the Depression hit its bottom. And he bought it back within a year for considerably less than he sold it for, and it gave him enough inventory to keep things going. So, we weathered the Depression better than most.''

Reed also was an adolescent when the 1936 tornado—a deadly, devastating storm—struck, and he recalls its impact on the city.

''Our home was literally destroyed by the tornado,'' Reed said. ''People were killed across the street, and next door and behind us, but we survived that. Interestingly, during that time of the tornado, the store was not damaged. So, [my father] opened the store, told his friends to take what they needed, pay him when they could. I don't think he lost any money on the basis of that.''

But above all his civic, business and other contributions to Tupelo, Northeast Mississippi and the state, Reed said he always placed family as a top priority.

''The conclusion is family has been the most important thing in my life; remains so; has always been,'' Reed said. ''I'm a privileged person. All four of my children, went away, out of this state to college. All four of them are living here, now. I see my four children and my grandchildren every day unless something exceptional [happens]. We work together. My brothers and I were business partners for 50 years.

''I've been in one church all of my life. All of my children went to Tupelo public schools. I know some people would think that that's pretty provincial, but there's a stability to it that I have found has been very satisfying to me. So, that's the conclusion to my memoir.''●

## TRIBUTE TO GIL CARMICHAEL

● Mr. COCHRAN. Mr. President, this weekend, Disney Pictures will release ''The Finest Hours,'' a cinematic retelling of a 1952 Coast Guard rescue mission off the New England coast. I am pleased to use its release as an opportunity to commend Mr. Gil Carmichael of Meridian, MS, an important participant in this mission, for his bravery during that storm and for a lifetime of service to the State of Mississippi and the Nation. Mr. Carmichael, an ensign in the U.S. Coast Guard at the time, was awarded the Silver Life-Saving Medal for his heroic actions during that rescue mission.

A 1952 Coast Guard news release described the rescue:

FOR RELEASE AT 10: 30 A.M., MAY 14, 1952

Twenty-one Coast Guardsmen were decorated today by Edward H. Foley, Under Secretary of the Treasury, and Vice Admiral Merlin O'Neill, Coast Guard Commandant, for the rescue of 70 men in a heavy storm at sea Feb. 18–19.

The rescued men were crew members of the tankers SS FORT MERCER and SS PENDLETON which broke in two in 70-knot winds and 60-foot seas off the coast of Cape Cod, Mass.

The group ceremony was held in the Treasury before members of Congress and high ranking Coast Guard officers. Members of Congress from the homes of each man decorated, and members of committees which handle Coast Guard legislation, also were invited.

Also present were William B. St. John of the National Bulk Carriers, Inc., owner of the PENDELTON, and C.A. Thomas, W.G. Johnson and P.J. Clausen of the Trinidad Corp., owner of the FORT MERCER.

Admiral O'Neill described the Cape Cod rescue operations as unique in Coast Guard history. With each tanker broken in two forty miles apart, four hulks with survivors aboard were left adrift in the mountainous seas.

He said all types of rescue equipment were used including large Coast Guard cutters, an airplane, an ocean-going tug, motor lifeboats, radar, rubber liferafts, scramble nets, lifelines and exposure suits.

″But most of all,'' said Admiral O'Neill, ''the situation called for raw courage and skill of the highest order—backed by Coast Guard teamwork.''

Five of the men received the Treasury's Gold Life-saving Medal for ''extreme and heroic daring.'' Four others received the Treasury's Silver Life-saving Medal for ''heroic action.'' Fifteen were cited for ''courage, initiative and unswerving devotion to duty'' and authorized to wear the Coast Guard Commendation ribbon. Those decorated were:

Gold Life-Saving Medal:

Andrew J. Fitzgerald, Engineman 2nd class; Ervin E. Maske, Seaman; Bernard C. Webber, Boatswain's Mate 1st class; Richard P. Livesey, Seaman; Ensign William R. Kiely, Jr.

Silver Life-Saving Medal:

Paul R. Black, Engineman 2nd class; Ensign Gilbert E. Carmichael; Edward A. Mason, Jr., Apprentice Seaman; Webster G. Terwilliger, Seaman

Coast Guard Commendation Ribbon:

Antonio F. Ballerini, Boatswain's Mate 3rd class provisional; Donald H. Bangs, Boatswain's Mate Chief; Richard J. Ciccone, Seaman; John J. Courtney, Boatswain's Mate 3rd class; John F. Dunn, Engineman 1st class; Philip M. Griebel, Radioman 1st class; Emory H. Haynes, Engineman 1st class; Roland W. Hoffert, Gunner's Mate 3rd class; Eugene W. Korpusik, Seaman Apprentice; Ralph L. Ormsby, Boatswain's Mate Chief; Dennis J. Perry, Seaman; Donald E. Pitts, Seaman; Alfred J. Roy, Boatswain's Mate 1st class; Herman M. Rubinsky, Seaman Apprentice; LCDR John N. Joseph

A nor'easter is a remarkable event in any era. The 1952 winter storm spawned hurricane-force winds and waves as tall as most of the office buildings at the time. The brave members of our Coast Guard raced into this dangerous situation to locate two large tankers that had broken in two and to rescue 70 men facing nearly certain death.

When asked about the rescue, a selfless Mr. Carmichael, who was in charge of a rescue boat that rescued two men from the bow of the SS *Fort Mercer* that day, said, ''I learned early in life how I would behave in crisis. I knew when we put the boat over we could be killed but all of us were just thinking about trying to save lives rather than of our own safety.''

Gil Carmichael took the remarkable experience he gained in the Coast Guard and continued on the path of public service, later for statewide office in Mississippi in the 1960s, as a candidate for the U.S. Senate in 1972, twice for Governor in 1975 and 1979, and once for Lieutenant Governor in 1983. He also served as a delegate from Mississippi to the Republican National

Convention. In 1973, he was appointed to the National Highway Safety Advisory Committee and became chairman of the advisory committee until 1976. From 1976 to 1979, he was a Federal commissioner for the National Transportation Policy Study Commission. He became Administrator of the U.S. Department of Transportation's Federal Railroad Administration in 1989 and served until 1993. He later served as chairman of the Amtrak Reform Council.

It is a pleasure to acknowledge Mr. Carmichael whose selfless personal qualities reflect a great deal of credit on my State and this Nation.●

## TRIBUTE TO BRIGADIER GENERAL BRUCE BRAMLETTE

● Mr. DAINES. Mr. President, today I wish to recognize former BG Bruce Bramlette of Fort Benton, MT, on behalf of his lifetime of dedication to our Nation and his selfless service on congressional U.S. Military Academy nomination boards. Bruce has tirelessly served on nomination boards for 25 years, both as a member and board chairman, and has interviewed more than 1,000 young Montana students seeking a nomination to one of our Nation's service academies. Throughout his years of conducting interviews, he has had numerous opportunities to meet and interact with incredible students from all over Montana. Bruce said it was his pleasure to help these students pursue their dreams of becoming an officer in one of our Nation's military branches.

In addition to Bruce's tremendous volunteer hours for the nomination boards, he proudly served in the Montana Air National Guard for 34 years. He retired in 1994 as the assistant adjutant general for air for the State of Montana. As a National Guard fighter pilot, Bruce successfully flew over 2,000 hours in the F106 Dart, F102 Dagger, and F89 Scorpion.

A graduate of Montana State University, Bruce has also been an active member in his community. He has served on the Highwood School Board for 9 years, is a lifelong member of the Air Force Association, and is an active member of Representative RYAN ZINKE's Veterans Advisory Board. Bruce and his wife of 43 years, Miriam, have three daughters and nine grandchildren.

Bruce recognizes the great value in supporting our next generation of leaders—especially those who will be defending and protecting our country. I am deeply thankful for Bruce's years of service to our State and Nation and his tireless work on behalf of Montana students.●

## REMEMBERING BIG ED SMITH

● Mr. DAINES. Mr. President, I would like to honor Edward B. Smith—a man of great character and a dedicated public servant who was called home on January 25, 2016, at the age of 95.

''Big Ed'' was born in Dagmar, MT, in 1920. He and his wife, Juliet, raised four children near the family homestead, where Ed helped manage the family farm and ranch. He was an avid hunter and sportsman and earned his nickname ''Big Ed'' while playing in the Big Muddy Baseball league. Ed was an active member of the Sheridan County community, serving as a member of the Sheridan County Stockman Association, Wool Growers, and the Sheridan County Fair board, as well as a 4–H leader.

Ed's heart for service led him to run for the Montana State Legislature in 1966, where he served for 20 years. In 1972, Ed ran as Montana's Republican candidate for Governor. He went on to serve on Montana's Highway Commission for several years after retiring from the State legislature.

Big Ed was a commonsense and independent leader and a man of great integrity. He made a lasting impact on Montana and will be truly missed. Cindy and I will keep his wife, Juliet; his four children; and his many grandchildren and great-grandchildren in our thoughts and prayers.●

## TRIBUTE TO RANNA DAUD

● Mr. HELLER. Mr. President, today I wish to recognize Ranna Daud, executive director for the After-School All-Stars Las Vegas, ASASLV, for her tireless efforts in helping Las Vegas's youth achieve prosperous futures. Ms. Daud has contributed greatly to her community by working to make ASASLV the best it can be.

ASASLV was initially organized in 2003 to provide Las Vegas's youth with a variety of free academic, athletic, and cultural afterschool programs, encouraging Nevada's students to maintain a successful and healthy lifestyle during afterschool hours. These programs are offered to students in prekindergarten through 8th grade at 13 different schools across the Clark County School District. To help students academically, ASASLV offers homework assistance, test preparation, and tutoring from certified teachers. It also offers classes in art, music leadership, cooking, business, and dance.

Aside from educational aid, the organization also emphasizes health and fitness. Activities such as soccer, volleyball, basketball, martial arts, yoga, and hiking are offered to students. Our State is fortunate to have someone such as Mrs. Daud leading this organization, which is critical in helping students across Las Vegas maintain a positive lifestyle.

Ms. Daud began working for ASASLV in 2004 as a program manager. She later returned to the organization in 2009 and served for 4 years before being selected as the executive director. In this role, Ms. Daud leads the organization in pursuit of its mission to help Nevada's youth. She also serves as the main voice in the community, working to build recognition for the program. Ms. Daud's work with ASASLV has contributed greatly in making the organization an invaluable resource to Las Vegas's youth. She has gone above and beyond to build a positive base for Nevada's future generations.

I extend my deepest gratitude to Ms. Daud for all of her hard work in encouraging our youth to have successful and active futures. She is a shining example of someone who strives for the betterment of her community and displays true selflessness in her work. I am thankful to have Ms. Daud serving as an ally to Las Vegas's students, providing them a safe, healthy, and ambitious environment.

I ask my colleagues and all Nevadans to join me in recognizing Ms. Daud and her work for ASASLV, a program that is so important for Nevada's youth. I wish Ms. Daud the best of luck in all of her future endeavors working to help students across southern Nevada.●

## RECOGNIZING WESTERN GOVERNORS UNIVERSITY NEVADA

● Mr. HELLER. Mr. President, today I wish to recognize Western Governors University, WGU Nevada. I am proud to honor this institution that offers Nevadans a unique opportunity to learn and achieve successful and positive futures.

Established in 1997, WGU Nevada is an online institution designed to offer greater access and flexibility to higher education. This university provides 50 accredited bachelor's and master's degrees in business, information technology, K–12 teacher education, and health professions, along with a variety of other tracks. WGU Nevada's mission to provide Silver State citizens with an opportunity to obtain an academic degree at their own pace will help enhance the lives of thousands of students, while also ensuring the needs of Nevada's employers are met.

WGU Nevada has gone above and beyond to help Nevadans obtain the tools they need to succeed. Recently, this institution provided 10 students in Nevada with the financial support needed to earn a degree that will advance their careers. I am grateful that WGU Nevada is working to create a brighter future for many across the Silver State.

As the husband of a teacher, I understand the important role academic institutions play in enriching the lives of Nevadans. Ensuring that students throughout Nevada are prepared to compete in the 21st century is critical for the future of our country. The State of Nevada is fortunate to be home to WGU Nevada.

I ask my colleagues and all Nevadans to join me in recognizing WGU Nevada. This institution is truly dedicated to enriching the lives of Nevadans, and I am honored to recognize its efforts.●

## TRIBUTE TO COLONEL JOHN NOVAK

● Mr. ISAKSON. Mr. President, I wish to pay tribute to COL John Novak for

his past year of exemplary dedication to duty and service as an Army congressional liaison for the Chief of Army Reserve. In that role, he managed the operations and readiness portfolio for the Army Reserve. I am grateful that he will continue to serve the Army and Congress in his new assignment as commander, 361st Civil Affairs Brigade, in Kaiserslautern, Germany. We wish him well in his new position.

A native of Ohio, Colonel Novak enlisted in the Army as a psychological operations specialist in the 21st Psychological Operations Company, Cleveland, OH. He graduated with honors from John Carroll University, magna cum laude, and the Reserve Officer Training Corps Program, distinguished military graduate, in 1991 and was commissioned into the infantry. Throughout his career, he also earned a master's degree in business and organizational security management from Webster University; a master's degree in legislative affairs from the George Washington University; a master's degree in strategic intelligence from the National Intelligence University, Defense Intelligence Agency; a master's degree in strategic studies from the U.S. Army War College; and associate of arts degrees in Russian studies and law enforcement.

As an officer in the U.S. Army Reserve, Colonel Novak served with military intelligence, logistics, psychological operations, and civil affairs units at the platoon, detachment, company, battalion, group, and major command level as an executive officer, platoon leader, detachment commander, psychological operations officer, Product Development Center chief, logistics officer, assistant operations officer, S3, company commander, plans officer, operations officer, aide-de-camp, assistant chief of staff, and battalion commander.

His service in the Army Reserve is highlighted by his selection in 2009 to serve as an Army congressional fellow. While assigned to the Office, Chief of the Army Reserve from 2010 to 2012, Colonel Novak spent a year representing the Army to the Congress by working in the office of Senator Saxby Chambliss. Following the completion of battalion command, he returned once again to the Office, Chief Army Reserve to serve as a legislative liaison officer.

As with all our citizen soldiers, it is important that we acknowledge his service in the civilian sector. Colonel Novak has extensive law enforcement experience, serving as both a municipal police officer in Ohio and as a Federal civilian special agent with the U.S. Air Force Office of Special Investigations. It is because of their cooperation and understanding during his many tours on Active Duty that he is able to make such a positive impact on the Army Reserve.

John is accustomed to working long hours in all of his positions in the Army and civilian sector, so it is only fair and proper to acknowledge the tireless support of his wife Stacey and his children—Patrick John Novak and Caitlin Lynn Novak. I thank them for their sacrifices and wish them all the best for continued success in the future.

Throughout his 30-year career, COL John Novak has made positive impacts on the careers and lives of his soldiers, peers, and superiors; and I am grateful that he has chosen to serve as an Army leader. I join my colleagues today in honoring his dedication to our Nation and invaluable service to the U.S. Congress as an Army congressional liaison.●

## TRIBUTE TO DAVID W. SCHEIBLE

● Mr. PERDUE. Mr. President, I wish to honor a great Georgian, David W. Scheible, chairman and CEO of Graphic Packaging International, Inc. David is retiring from Graphic Packaging after a decade of transforming the company.

Under David's leadership, Graphic Packaging has grown to become a Fortune 500 company with over 12,000 employees globally and a highly respected leader in the paper and packaging industry.

Last year, David was the recipient of the Executive Papermaker of the Year award, which is based on corporate vision, strategic objectives, and strong leadership within the individual's company and the paper industry.

David is also a pillar in our community with a passion for education, sustainability, and feeding the hungry. He serves on the board of directors of Benchmark Electronics, the board of Cancer Treatment Centers of America, and the Metro Atlanta Chamber of Commerce, where he was chairman of the education committee for the last 5 years.

As the immediate past chairman of the American Forest & Paper Association, David was a powerful and visionary advocate working with Federal, State, and local officials on issues critical to the pulp and paper industry. David's charisma, focus, and quick intellect earned the respect of many legislators, including myself.

It is with great pleasure that I recognize David Scheible, a man who continues to make a difference, and I wish him well in his future endeavors.●

## VERMONT ESSAY FINALISTS

● Mr. SANDERS. Mr. President, I ask to have printed in the RECORD copies of some of the finalist essays written by Vermont High School students as part of the sixth annual ''What is the State of the Union'' essay contest conducted by my office. These finalists were selected from nearly 800 entries.

The material follows:

ADAM FLEISCHMAN, SOUTH BURLINGTON HIGH SCHOOL (FINALIST)

The state of the union is strong. Americans are working hard, unemployment is down, the stock market is up, and the recession of 2008 feels like ancient history. Still, we face problems. Climate change is one of those issues, particularly because of the denial by politicians in our government that refuse to do anything, because their re-election campaigns rely on oil and gas companies' contributions.

In the 114th congress, 170 members deny that global warming is real. Many representatives receive huge donations, as much as $63 million from big oil and gas companies, and in return, they support deregulation initiatives in Congress to protect the corporations. In other words, they prevent progress and obstruct a move away from non-renewable energy sources. In this way, they are not representing their constituents—they're representing the interests of the very wealthy corporations—and it's undermining the political system we have.

In a legislative body that is constantly blinded by the goal of staying in office, rather than passing comprehensive reforms to save our planet, the denial is rampant. Even though 97% of scientists agree that climate change is real, and manmade, these elected officials with no background in science choose to ignore it, and instead put trillions of taxpayer money into a defense budget that is bloated and unnecessary. For climate change to be properly addressed, it starts with Congress. If we invest money into clean energy—solar panels, wind turbines, natural gas—we will slowly be able to move away from non-renewable, dirty sources.

We also must take a stand against the corporations profiting off of non-renewable sources, making it clear that their campaign contributions should not be the difference between whether or not we leave a healthier planet for future generations. If we wait long enough, it will be too late to do anything. It's not part of a ''liberal agenda'' that some in Congress like to criticize. It's a common problem that is hurting our common home, and it's up to all of humankind to deal with it. That can't happen if the political charades are continued in Washington, D.C.

ELLERY HARKNESS, CHAMPLAIN VALLEY UNION HIGH SCHOOL (FINALIST)

My fellow Americans, there are many important issues burdening our world today; in order to fix these problems, we need an education system that produces well educated leaders to solve these issues. Our education system as it stands today needs to be modified and socioeconomic factors hindering education need to be addressed.

Education should be an equalizer, so that anyone, no matter their circumstances, can realize their potential; this isn't the reality though. The truth is that kids from disadvantaged families have a far lower chance for success. Inequality due to wealth and race are huge problems; the disturbing school to prison pipeline is one outcome of this. Only 1 in 12 children in poverty will graduate from college today and almost half won't graduate from high school. Studies have also found that African American and Hispanic high school graduation rates are 10% lower than the U.S. average. Education can raise people out of poverty, while ignoring these problems only continues to perpetrate a horrific cycle of poverty and create more economic problems.

Consider that by 2020, 65% of U.S. jobs will require a postsecondary education, according to Georgetown Public Policy Institute. Yet only 1 of 4 students are ready for college in the 4 core subjects when graduating high school, according to U.S. news. Regrettably, the education system not only isn't preparing students for college, it also forces students to bear an unreasonable financial burden in order to go to college. With free or reduced tuition programs, college education would be more accessible.

There is no single fix for the educational problems plaguing our country yet it is clear that major reforms need to take place. Potential solutions are policies that provide family support so that students grow up in places that encourage learning. Since teachers are the most important aspect of education, more resources could be put into teacher programs and salaries that incentivize job growth. Congress could also work towards bipartisan policies that ensure schools around the U.S have equal quality and access to resources through more funding. In 2015, 55% of government funding went to the military, while only 6% went to education. An increase in education funding is a justifiable change that could dramatically help broken systems.

With a better educated workforce, people will have better jobs and rely on government less, benefiting the U.S. economy. Opportunity gaps in education would also decrease and the U.S. would become more competitive as a result. This is another incentive for making education a priority to those in Washington.

Our combined futures are dependent on the youth of today; but our nation's children are only as good as the education they are provided with. As Nelson Mandela said, ''Education is the most powerful weapon which you can use to change the world.'' Let's take advantage of it.

MEGAN HUGHES, CANAAN MEMORIAL HIGH SCHOOL (FINALIST)

As many Americans know, we are very blessed to have colleges available in our country. College allows a young adult to further his or her knowledge of the world around them so they can be ready to enter the workforce. College tuition used to be affordable, so that everyone could further their education. This is important because more educated people means a stronger growing economy. At the same time, the cost of tuition rises dramatically each year, and families with more than one child find themselves in tough financial situations. Most of the time people use loans, and end up paying back student debt for years. Every American deserves to have a college education, which is why state colleges should be tuition free.

Elementary and high school is mandatory for all American citizens. Parents who refuse to send their children to school have to pay large fines or even serve jail time. If early education is this important to Americans, why is college not? Why should the emphasis just be on getting a primary or secondary education? More and more jobs today are requiring higher than just a high school diploma. In an article by Adam Davidson, he says that ''Workers with more education are more productive, which makes companies more profitable and the overall economy grow faster.'' This is true, more educated people means more jobs are being done correctly and efficiently, and as a result boosting the economy.

In an article by Steven Goodman he said ''Two-thirds of American undergraduates are in debt. This year, student loan debt will grow to more than a trillion dollars, outpacing credit card debt for the first time.'' This article was written in 2011, meaning only four years ago student debt was already in the trillions. When young adults leave home and enter the work force, they have to deal with adult responsibilities for the first time. On top of that, they usually need to pay off student debt. If college were to be tuition free these people would not have large debts. The money they make could go towards paying bills, and saving money for their future or retirement. It would also help attract those who were never thinking about going to college because of the high costs. All this leads to more people buying and selling goods which is important for a country to prosper.

State colleges should be free because the economy will grow faster with more educated people, and young adults will not be paying college debt for half their life. How exactly this would be done is simple, put higher taxes on the wealthy. With the top class distributing their money towards education, everyone can have the opportunity to further their education. People can use their hard working money on other things, like purchasing a house or providing for a child. That is why it is important to have free college tuition because it creates an educated population, less debt, and saving for other necessities.

TORI JARVIS, MISSISQUOI VALLEY UNION HIGH SCHOOL (FINALIST)

Since the recent crimes committed by the terror group ISIS, hate crimes against Muslims have skyrocketed. Recently, ''an Arab-American man was brutally attacked by two white men . . . (who) also taunted his daughter, who wears a hijab, making references to ISIS . . . The attackers called (them) 'r—head' and said, 'Go back to your country.' '' Wrote Tom Carter for an article on the World Socialist Website. Obviously, these men attacked the man and his daughter for their race and religion, equating the fact that they were Muslim with terrorism even though there was no sensible reason to. People are so scared of terrorism that they lash out at anything they can associate with it.

People in power or who wish to be in power are using this fear to convince them that Muslims are the ones to be feared. The most recent—and most dangerous—example is Donald Trump, who wants to ban Muslims from coming into the country. This move has not only heightened the fear of ISIS, but made people believe the Muslims currently in our country are associated with terrorism, creating more violence. Encouraged by Presidential candidates like Donald Trump, some Americans blame the entire religion of Islam, and anyone who follows it, for all of our country's problems. They believe that because these terrorists are following a distorted version of the Qu'ran and the religion of Islam, that anyone else who worships the peaceful religion is a terrorist as well. Unfortunately, people don't realize that Muslims are not terrorists. Muslim athlete Muhammad Ali once said; ''Terrorists are not following Islam. Killing people and blowing up people and dropping bombs in places and all this is not the way to spread the word of Islam. So people realize now that all Muslims are not terrorists.'' Muslims are too often oppressed, even violently attacked by Americans who blame them for terrorism. Muslims in America today are now experiencing racism the way black people used to, and are violently and verbally abused by white people who are looking for someone to blame.

Jermaine Jackson, one of Michael Jackson's siblings, has pointed out ''Muslims have become the new Negroes in America. They are being mistreated at airports, by the Immigration—everywhere. Islam is a religion of peace. They are wrong.'' People who wear hijabs seem to have a target placed on them. Muslims are ''randomly selected'' for full body searches at airports, forced to prove they're in this country legally, and attacked by people who have different religious opinions. The violence against Muslims must end, whether it physical or mental. As the civil war in the Middle East is creating unlivable conditions for its inhabitants, they're counting on us to take them in and keep them safe.

America is trying to divide and conquer—focusing on conquering Muslims as a whole rather than just ISIS. Rather than attacking the Muslims in our country, we should be focusing on the actual members of ISIS, and not people who have no association with the organization.

ALEXIS MANCHESTER, GREEN MOUNTAIN TECHNOLOGY AND CAREER CENTER (FINALIST)

Today in America, people are going to prison wasting countless economic resources and potentially ruining the lives of people all because of the recreational use of marijuana.

While people often say marijuana is a gateway drug, I strongly disagree. There are more people that drink a glass of milk per day and become addicted to more serious drugs, than those who use marijuana. It is not uncommon to hear echoes of this sentiment in other contexts as well, particularly, the media and Presidential candidates. In fact, Senator Sanders himself suggests that marijuana should be legalized: ''I suspect I would vote yes. And I would vote yes because I am seeing in this country too many lives being destroyed for non-violent offenses. We have a criminal justice system that lets CEOs on Wall Street walk away, and yet we are imprisoning or giving jail sentences to young people who are smoking marijuana. I think we have to think through this war on drugs which has done an enormous amount of damage.'' I strongly agree with this statement because there is not one reported death from an overdose of marijuana. In fact, 88,000 people have died from alcohol use. I personally have never heard of somebody murdering someone because they were under the influence of marijuana. Alcohol on the other hand, has been proven to impact our culture negatively.

Facts don't lie. 58% of Americans think marijuana should be legalized, including me. Around 40% of Americans admit to already using marijuana. If marijuana was legalized, we could tax it and allow citizens who choose to use it to benefit our communities in more effective ways than keeping it illegal. Marijuana is a safer drug than others and there is a very low risk of abuse. Marijuana can be safe and useful for instance. Legalizing marijuana will bring the nation's largest cash crop under the rule of law, creating jobs, and economic opportunities in the formal economy instead of the illicit market. Washington, Alaska, Oregon and Colorado haven't had any major issues with their legalization. Washington State raked in more than $70 million in taxes its first year of legal regulated marijuana sales. In Colorado the total of marijuana tax and license cash funds is the total of $11,290,012 annually. Alaska stands to make between $5.1 million and $19.2 million in tax revenue from commercial marijuana in 2016, according to the preliminary estimate by the Alaska Department of Revenue. Oregon's first week of recreational use of marijuana sales top $11 million dollars. Clearly, the taxes incurred would positively benefit our state and country should we choose to jump on board.

In closing, I hope you can appreciate my ideas, although I am just one voice. America is a progressive kind of people and we must do what we can to continue to demonstrate the values that make us great. Thank you for your time.●

## RECOGNIZING THE LOUISIANA MUNICIPAL ASSOCIATION

● Mr. VITTER. Mr. President, today my colleague Senator BILL CASSIDY and I are honored to have the opportunity to acknowledge and express gratitude to the Louisiana Municipal

Association, LMA, in recognition of their 90th anniversary.

Founded in 1926, the Louisiana Conference of Mayors was created with the purpose of providing a forum for mutual consultation and discussion of various topics affecting municipal government. The organization also aided the growth and development of each municipality through education about best practices and problem solving. Shortly after the Louisiana Conference of Mayors was created, the Great Depression swept the Nation. In 1937, a handful of resilient mayors met to revive the organization, giving it new life as the Louisiana Municipal Association. They may not have foreseen that their tenacity in overcoming adversity during the Great Depression and taking proactive steps to keep Louisiana municipalities united and strong would form the basis for the core values to which the LMA still adheres today.

From its inception, the LMA has focused on helping local elected leaders create and maintain efficient and effective municipal governments. In 1987, the nonprofit, nonpartisan LMA created Risk Management, Inc., RMI, to address the insurance and liability demands of member municipalities through its inter-local risk pool. In 1999, the Louisiana Municipal Advisory and Technical Services Bureau, Inc., LaMATS, was created with the purpose of providing essential services to assist municipalities in their day-to-day operations.

In addition to these wholly owned subsidiaries, the LMA has three political subdivisions—Louisiana Municipal Gas Authority, Unemployment Compensation Fund, and Louisiana Community Development Authority; four advisory organizations—Louisiana Association of Chiefs of Police, Louisiana Rural Water Association, Louisiana Conference of Mayors, and Louisiana Municipal Black Caucus Association; and nine affiliate organizations—Municipal Employees Retirement System, Louisiana City Attorneys Association, Louisiana Association of Municipal Secretaries and Assistants, Louisiana Recreation and Parks Association, Louisiana Association of Tax Administrators, Louisiana Municipal Clerks Association, Building Officials Association of Louisiana, Louisiana Airport Managers and Associates, and Louisiana Fire Chiefs Association.

To fulfill its mission of educating its membership and providing a forum for discussion about common issues, solutions, and problem solving, the LMA holds an annual convention, a midwinter conference, 10 district meetings, a municipal day during the State's legislative session, and 15 or more webinars.

For decades, the LMA has had tremendous legislative success on both State and Federal levels. In the Louisiana Legislature, the LMA has been a strong voice for Louisiana municipalities in efforts to fight blight, promote law enforcement, maintain funding, and enhance economic growth. On the Federal level, the LMA joined forces with the National League of Cities and other coastal State municipal leagues to lead the charge in lobbying Congress to enact the Homeowners Flood Insurance Affordability Act of 2014, which enacted critical reforms to the Biggert Waters Act of 2012, thereby facilitating affordable homeowner flood insurance in Louisiana and across the country.

For 90 years, the LMA has worked to strengthen the backbone of Louisiana through support and empowerment of municipal government. The organization has launched a yearlong celebration of this anniversary by naming 2016 the Year of Education. Opening festivities for this theme will commence at the midwinter conference in February under the auspices of the 2016 LMA Executive Board officers—President Mayor Carroll Breaux of Springhill, First Vice President Mayor Barney Arceneaux of Gonzales, Second Vice President Mayor Lawrence Henagan of DeQuincy, Immediate Past President Mayor David Camardelle of Grand Isle, and District A Vice President Mayor Jimmy Williams of Sibley. The executive director is Ronnie Harris, former 28-year mayor of Gretna.

What started out as a collection of 29 forward-thinking mayors seeking to empower their communities has evolved into a praiseworthy organization that has earned the esteem and trust of local, State, and Federal elected officials, as well as fellow municipal leagues.

We would like to congratulate the LMA on its 90th anniversary and wish them many more years of strength and excellence.●

## 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.)

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4228. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report on gifts made for the benefit of military musical units; to the Committee on Armed Services.

EC–4229. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Iranian Transactions and Sanctions Regulations'' (31 CFR Part 560) received in the Office of the President of the Senate on January 21, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–4230. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department of Commerce's 2016 Report on Foreign Policy-Based Export Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–4231. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Deputy Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Federal Housing Administration (FHA): Removal of 24 CFR 280—Nehemiah Housing Opportunity Grants Program'' (RIN2502–AJ31) received in the Office of the President of the Senate on January 21, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–4232. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to transnational criminal organizations that was declared in Executive Order 13581 of July 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4233. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2016–4'' (Rev. Proc. 2016–4) received in the Office of the President of the Senate on January 20, 2016; to the Committee on Finance.

EC–4234. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2016–6'' (Rev. Proc. 2016–6) received in the Office of the President of the Senate on January 20, 2016; to the Committee on Finance.

EC–4235. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2016–8'' (Rev. Proc. 2016–8) received in the Office of the President of the Senate on January 20, 2016; to the Committee on Finance.

EC–4236. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the use of the exemption from the antitrust laws provided by the Pandemic and All-Hazards Preparedness Act; to the Committee on Health, Education, Labor, and Pensions.

EC–4237. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, the amendments to the federal sentencing guidelines that were proposed by the Commission during the 2015–2016 amendment cycle; to the Committee on the Judiciary.

EC–4238. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Island Pelagic Fisheries; 2015 CNMI Longline Bigeye Tuna Fishery; Closure'' (RIN0648–XE329) received in the Office of the President of the Senate on January 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4239. A communication from the Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's decision to enter into a contract with a private

security screening company to provide screening services at Punta Gorda Airport (PGD); to the Committee on Commerce, Science, and Transportation.

EC–4240. A communication from the Attorney-Advisor, Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary of Transportation for Policy, Department of Transportation, received in the Office of the President of the Senate on January 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4241. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2015–2714)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4242. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0648)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4243. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0083)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4244. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0675)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4245. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0076)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4246. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piper Aircraft, Inc.'' ((RIN2120–AA64) (Docket No. FAA–2015–8311)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4247. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0300)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4248. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0828)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4249. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–1281)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4250. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2014–0335)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4251. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–1199)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4252. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0625)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4253. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alpha Aviation Concept Limited Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–3956)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4254. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Los Angeles, CA'' ((RIN2120–AA66) (Docket No. FAA–2015–1139)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4255. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Jet Route J–477; Northwestern United States'' ((RIN2120–AA66) (Docket No. FAA–2015–6002)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4256. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Areas R–2932, R–2933, R–2934 and R–2935; Cape Canaveral, FL'' ((RIN2120–AA66) (Docket No. FAA–2015–7213)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4257. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights in the Territory and Airspace of Somalia'' ((RIN2120–AK75) (Docket No. FAA–2007–27602)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4258. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights in Specified Areas of the Sanaa (OYSC) Flight Information Region'' ((RIN2120–AK72) (Docket No. FAA–2015–8672)) received in the Office of the President of the Senate on January 27, 2016; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CORKER, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 347. A resolution honoring the memory and legacy of Anita Ashok Datar and condemning the terrorist attack in Bamako, Mali, on November 20, 2015.

By Mr. GRASSLEY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1890. A bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

*Laura S. H. Holgate, of Virginia, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

Nominee: Laura S. H. Holgate.

Post: Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador, and Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador, Department of State.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and, donee:

1. Self/Joint: $100, 6/1/12, Obama for America; $200, 1/2/12, Obama for America.
2. Spouse.
3. Children and Spouses: N/A.
4. Parents: Susan Markley Hayes, Gilbert Franklin Hayes, N/A.
5. Grandparents: N/A.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: Carolyn Gregg Hayes Butler, Steven A. Butler, N/A.

*Laura S. H. Holgate, of Virginia, to be the Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

Nominee: Laura S. H. Holgate.

Post: Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador, and Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador, Department of State.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self/Joint: $100, 6/1/12, Obama for America; $200, 1/2/12, Obama for America.
2. Spouse
3. Children and Spouses: N/A.
4. Parents: Susan Markley Hayes, Gilbert Franklin Hayes: N/A.
5. Grandparents: N/A.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: Carolyn Gregg Hayes Butler, Steven A. Butler: N/A.

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*Scot Alan Marciel, of California, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma.

Nominee: Scot Alan Marciel.

Post: Ambassador to the Union of Burma.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: 0.
2. Spouse: Marie Earlynne Marciel: 0.
3. Children and Spouses: Lauren Marciel: 0; Natalie Marciel: 0.
4. Parents: Ronald Marciel: 0; Lorna Marciel: deceased; Grace Marciel (step-mother): 0.
5. Grandparents: Steve Marciel: deceased; Louise Lundy: deceased; Gordon McLellan: deceased; Helen McLellan: deceased.
6. Brothers and Spouses: Michael Marciel: 0; Keith Marciel deceased.
7. Sisters and Spouses: Rhonda Donhowe: 0.

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Mr. CORKER. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nomination of Christopher Nairn Steel.

*Foreign Service nominations beginning with Christopher Alexander and ending with Tipten Troidl, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2015.

*Foreign Service nominations beginning with Virginia Lynn Bennett and ending with Susan M. Cleary, which nominations were received by the Senate and appeared in the Congressional Record on January 19, 2016.

By Mr. GRASSLEY for the Committee on the Judiciary.

Mary S. McElroy, of Rhode Island, to be United States District Judge for the District of Rhode Island.

Susan Paradise Baxter, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Marilyn Jean Horan, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## 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. MCCAIN (for himself and Mrs. ERNST):

S. 2470. A bill to repeal the provision permitting the use of rocket engines from the Russian Federation for the evolved expendable launch vehicle program; to the Committee on Armed Services.

By Mr. KIRK (for himself, Mr. HATCH, Mr. TOOMEY, and Mr. VITTER):

S. 2471. A bill to amend the Internal Revenue Code of 1986 to improve and expand Coverdell education savings accounts; to the Committee on Finance.

By Mr. MERKLEY:

S. 2472. A bill to establish an American Savings Account Fund and create a retirement savings plan available to all employees, and for other purposes; to the Committee on Finance.

By Mr. SULLIVAN (for himself, Mr. CASEY, Mr. HELLER, and Mr. TESTER):

S. 2473. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide veterans the option of using an alternative appeals process to more quickly determine claims for disability compensation, and for other purposes; to the Committee on Veterans' Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ROBERTS (for himself, Ms. STABENOW, Mr. TILLIS, Mrs. ERNST, Mr. COCHRAN, Mr. BENNET, Ms. HEITKAMP, Mr. CASEY, and Mr. GRASSLEY):

S. Res. 349. A resolution congratulating the Farm Credit System on the celebration of its 100th anniversary; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. Res. 350. A resolution congratulating the University of Alabama Crimson Tide for winning the 2016 College Football Playoff National Championship; considered and agreed to.

By Mr. SCOTT (for himself, Mr. ENZI, Mrs. FEINSTEIN, Mr. CRUZ, Mr. ALEXANDER, Mr. JOHNSON, Mr. CASSIDY, Mr. DAINES, Mr. CORNYN, Mr. VITTER, Mr. TILLIS, Ms. AYOTTE, Mr. HATCH, Mr. WICKER, Mr. PERDUE, Mr. CRAPO, Mr. GARDNER, Mr. BOOKER, and Mr. LANKFORD):

S. Res. 351. A resolution designating the week of January 24 through January 30, 2016, as ''National School Choice Week''; considered and agreed to.

By Ms. AYOTTE (for herself, Mrs. SHAHEEN, Mr. NELSON, Mr. THUNE, Mr. CRUZ, Ms. MIKULSKI, Mr. SCHATZ, and Mr. PETERS):

S. Res. 352. A resolution commemorating the 30th anniversary of the loss of the Space Shuttle *Challenger* and of Teacher in Space S. Christa McAuliffe of Concord, New Hampshire; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 524

At the request of Mr. WHITEHOUSE, the names of the Senator from Alaska (Mr. SULLIVAN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

S. 859

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 859, a bill to protect the public, communities across America, and the environment by increasing the safety of crude oil transportation by railroad, and for other purposes.

S. 974

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 974, a bill to amend the Fair Labor Standards Act of 1938 to prohibit employment of children in tobacco-related agriculture by deeming such employment as oppressive child labor.

S. 1641

At the request of Ms. BALDWIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1641, a bill to improve the use by the Department of Veterans Affairs of opioids in treating veterans, to improve patient advocacy by the Department, and to expand availability of complementary and integrative health, and for other purposes.

S. 1944

At the request of Mr. SULLIVAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1944, a bill to require each agency to repeal or amend 1 or more rules before issuing or amending a rule.

S. 2021

At the request of Mr. BOOKER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 2021, a bill to prohibit Federal agencies and Federal contractors from requesting that an applicant for employment disclose criminal history record information before the applicant has received a conditional offer, and for other purposes.

S. 2144

At the request of Mr. GARDNER, the name of the Senator from Alaska (Mr.

SULLIVAN) was added as a cosponsor of S. 2144, a bill to improve the enforcement of sanctions against the Government of North Korea, and for other purposes.

S. 2344

At the request of Mr. COTTON, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 2344, a bill to provide authority for access to certain business records collected under the Foreign Intelligence Surveillance Act of 1978 prior to November 29, 2015, to make the authority for roving surveillance, the authority to treat individual terrorists as agents of foreign powers, and title VII of the Foreign Intelligence Surveillance Act of 1978 permanent, and to modify the certification requirements for access to telephone toll and transactional records by the Federal Bureau of Investigation, and for other purposes.

S. 2423

At the request of Mrs. SHAHEEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2423, a bill making appropriations to address the heroin and opioid drug abuse epidemic for the fiscal year ending September 30, 2016, and for other purposes.

S. 2426

At the request of Mr. GARDNER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2426, a bill to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes.

S. 2452

At the request of Mr. MORAN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 2452, a bill to prohibit the use of funds to make payments to Iran relating to the settlement of claims brought before the Iran-United States Claims Tribunal until Iran has paid certain compensatory damages awarded to United States persons by United States courts.

S. 2466

At the request of Mr. PETERS, the names of the Senator from Delaware (Mr. COONS), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. MURPHY) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 2466, a bill to amend the Safe Water Drinking Act to authorize the Administrator of the Environmental Protection Agency to notify the public if a State agency and public water system are not taking action to address a public health risk associated with drinking water requirements.

S. 2469

At the request of Mr. BLUMENTHAL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2469, a bill to repeal the Protection of Lawful Commerce in Arms Act.

S. RES. 347

At the request of Mr. BOOKER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. Res. 347, a resolution honoring the memory and legacy of Anita Ashok Datar and condemning the terrorist attack in Bamako, Mali, on November 20, 2015.

AMENDMENT NO. 2954

At the request of Mr. CASSIDY, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of amendment No. 2954 proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 2989

At the request of Mr. REED, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of amendment No. 2989 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 2990

At the request of Mr. REED, the names of the Senator from Hawaii (Mr. SCHATZ), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 2990 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

At the request of Mr. FRANKEN, his name was added as a cosponsor of amendment No. 2990 intended to be proposed to S. 2012, supra.

AMENDMENT NO. 3002

At the request of Mr. FRANKEN, his name was added as a cosponsor of amendment No. 3002 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3004

At the request of Mrs. GILLIBRAND, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of amendment No. 3004 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3005

At the request of Mr. MARKEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 3005 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3018

At the request of Mr. ALEXANDER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of amendment No. 3018 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3029

At the request of Mr. BARRASSO, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 3029 proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3035

At the request of Mr. MURPHY, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 3035 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3038

At the request of Mr. HOEVEN, the names of the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 3038 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 349—CONGRATULATING THE FARM CREDIT SYSTEM ON THE CELEBRATION OF ITS 100TH ANNIVERSARY

Mr. ROBERTS (for himself, Ms. STABENOW, Mr. TILLIS, Mrs. ERNST, Mr. COCHRAN, Mr. BENNET, Ms. HEITKAMP, Mr. CASEY, and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 349

Whereas on July 17, 1916, President Woodrow Wilson signed into law the Federal Farm Loan Act (39 Stat. 360, chapter 245), which established the Farm Credit System;

Whereas through the enactment of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), Congress—

(1) directed that the Farm Credit System be designed as a permanent system to support the well-being and prosperity of rural communities and agricultural producers of all types and sizes in the United States; and

(2) recognized that a prosperous, productive agricultural sector is essential to a free country;

Whereas Congress designed the Farm Credit System as a network of independently owned cooperatives that are—

(1) controlled by borrowers; and

(2) responsive to the individual needs of borrowers for credit and financial services;

Whereas the Farm Credit System plays an important role in the success of United States agriculture and economic vibrancy of rural communities in all 50 States and Puerto Rico;

Whereas the Farm Credit System actively supports the next generation of agricultural producers—

(1) by annually providing billions of dollars for loans to young and beginning farmers and ranchers; and

(2) through ongoing financial support for organizations such as 4-H and the Future Farmers of America; and

Whereas Congress has provided for—

(1) the appropriate safety and soundness oversight of the Farm Credit System through the Farm Credit Administration, an independent Federal agency, the operating costs of which are funded by the Farm Credit System; and

(2) the protection of investors in Farm Credit System bonds through the Farm Credit System Insurance Corporation, funded by premiums paid by the Farm Credit System: Now, therefore, be it

*Resolved,* That the Senate—

(1) congratulates the Farm Credit System on the celebration of the 100th anniversary of its founding; and

(2) commends the continued service of cooperative owners and employees of the Farm Credit System to help meet the credit and financial services needs of rural communities and agriculture.

## SENATE RESOLUTION 350—CONGRATULATING THE UNIVERSITY OF ALABAMA CRIMSON TIDE FOR WINNING THE 2016 COLLEGE FOOTBALL PLAYOFF NATIONAL CHAMPIONSHIP

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

S. RES. 350

Whereas the University of Alabama Crimson Tide won the 2016 College Football Playoff National Championship, defeating the Clemson University Fighting Tigers by a score of 45-40 at the University of Phoenix Stadium in Glendale, Arizona on January 11, 2016;

Whereas this victory marks the fourth college football national championship in the last 7 years for the University of Alabama and the 16th national championship overall;

Whereas the 2016 College Football Playoff National Championship Game was the 64th postseason bowl appearance and the 36th bowl victory for the University of Alabama, both of which extend existing National Collegiate Athletic Association records held by the University of Alabama;

Whereas running back Derrick Henry rushed for 158 yards and scored 3 touchdowns;

Whereas running back Kenyan Drake returned a kickoff 95 yards for a touchdown;

Whereas safety Eddie Jackson made 3 tackles and a key interception, earning the award for Defensive Player of the Game;

Whereas tight end O.J. Howard caught 5 passes for a career-high 208 yards and 2 touchdowns, earning the award for Offensive Player of the Game;

Whereas quarterback Jake Coker finished with 335 passing yards and 2 touchdowns;

Whereas, in 2015, Derrick Henry was awarded the Doak Walker Award as the best running back in the United States and the Heisman Trophy and the Maxwell Award as the best overall player in college football;

Whereas offensive lineman Ryan Kelly was awarded the 2015 Rimington Trophy as the top center in the United States;

Whereas the offensive line of the Crimson Tide won the 2015 Joe Moore Award, awarded to the top offensive line in the United States;

Whereas, in 2015, the Associated Press recognized Derrick Henry, A'Shawn Robinson, and Reggie Ragland as first-team All-Americans;

Whereas the leadership and vision of Head Coach Nick Saban has propelled the University of Alabama back to the pinnacle of college football;

Whereas Chancellor Robert Witt, President Stuart Bell, and Athletic Director Bill Battle have emphasized the importance of academic success to the Crimson Tide football team and to all student-athletes at the University of Alabama; and

Whereas the Crimson Tide football team has brought great pride and honor to the University of Alabama, the loyal fans of the Crimson Tide, and the entire State of Alabama: Now, therefore, be it

*Resolved,* That the Senate—

(1) congratulates the University of Alabama Crimson Tide for winning the 2016 College Football Playoff National Championship Game;

(2) recognizes the achievements of all the players, coaches, and staff who contributed to the championship season; and

(3) requests that the Secretary of the Senate prepare an official copy of this resolution for presentation to—

(A) the President of the University of Alabama, Dr. Stuart Bell;

(B) the Athletic Director of the University of Alabama, Bill Battle; and

(C) the Head Coach of the University of Alabama Crimson Tide football team, Nick Saban.

## SENATE RESOLUTION 351—DESIGNATING THE WEEK OF JANUARY 24 THROUGH JANUARY 30, 2016, AS ''NATIONAL SCHOOL CHOICE WEEK''

Mr. SCOTT (for himself, Mr. ENZI, Mrs. FEINSTEIN, Mr. CRUZ, Mr. ALEXANDER, Mr. JOHNSON, Mr. CASSIDY, Mr. DAINES, Mr. CORNYN, Mr. VITTER, Mr. TILLIS, Ms. AYOTTE, Mr. HATCH, Mr. WICKER, Mr. PERDUE, Mr. CRAPO, Mr. GARDNER, Mr. BOOKER, and Mr. LANKFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 351

Whereas providing a diversity of choices in K–12 education empowers parents to select education environments that meet the individual needs and strengths of their children;

Whereas high-quality K–12 education environments of all varieties are available in the United States, including traditional public schools, public charter schools, public magnet schools, private schools, online academies, and home schooling;

Whereas talented teachers and school leaders in each of the education environments prepare children to achieve their dreams;

Whereas more families than ever before in the United States actively choose the best education for their children;

Whereas more public awareness of the issue of parental choice in education can inform additional families of the benefits of proactively choosing challenging, motivating, and effective education environments for their children;

Whereas the process by which parents choose schools for their children is nonpolitical, nonpartisan, and deserves the utmost respect; and

Whereas hundreds of organizations, more than 9,000 schools, and millions of individuals in the United States celebrate the benefits of educational choice during the 6th annual National School Choice Week, held the week of January 24 through January 30, 2016: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the week of January 24 through January 30, 2016, as ''National School Choice Week'';

(2) congratulates students, parents, teachers, and school leaders from K–12 education environments of all varieties for their persistence, achievements, dedication, and contributions to society in the United States;

(3) encourages all parents, during National School Choice Week, to learn more about the education options available to them; and

(4) encourages the people of the United States to hold appropriate programs, events, and activities during National School Choice Week to raise public awareness of the benefits of opportunity in education.

## SENATE RESOLUTION 352—COMMEMORATING THE 30TH ANNIVERSARY OF THE LOSS OF THE SPACE SHUTTLE CHALLENGER AND OF TEACHER IN SPACE S. CHRISTA MCAULIFFE OF CONCORD, NEW HAMPSHIRE

Ms. AYOTTE (for herself, Mrs. SHAHEEN, Mr. NELSON, Mr. THUNE, Mr. CRUZ, Ms. MIKULSKI, Mr. SCHATZ, and Mr. PETERS) submitted the following resolution; which was considered and agreed to:

S. RES. 352

Whereas, on January 28, 1986, the 7 crew members of the Space Shuttle Challenger, Commander Francis R. Scobee, Pilot Michael J. Smith, Mission Specialist Ellison S. Onizuka, Mission Specialist Ronald E. McNair, Mission Specialist Judith A. Resnik, Payload Specialist Gregory B. Jarvis, and Teacher in Space and Payload Specialist S. Christa McAuliffe, were killed in a tragic explosion shortly after liftoff;

Whereas, for as long as there has been human consciousness, human beings have looked to the stars in curiosity, delight, and awe;

Whereas, throughout the course of human history, humankind was Earth-bound, yet spoke of visiting the celestial bodies;

Whereas the foundation and development of the United States were driven by a pioneering spirit;

Whereas reaching out into space exhibits the strength of the human capacity to engineer and persevere;

Whereas the people of the United States who have journeyed into space have personified the national pride of the United States;

Whereas, in 1986, a crew of individuals representing the best of the United States stepped forward to ride a rocket into space, knowing that explorers throughout the ages have put the need for knowledge above their own welfare;

Whereas, on January 28, 1986, the United States cried out in grief at the loss of those 7 most brave voyagers;

Whereas Christa McAuliffe, a teacher with an infectious spirit and tremendous bravery, not content to make the world her classroom, prepared to expand her schoolroom to the stars;

Whereas Christa McAuliffe, through her educational endeavor, sought to inspire adults and children alike by pushing the bounds of the human experience and by rousing all people to imagine the most of human potential;

Whereas the McAuliffe-Shepard Discovery Center in Concord, New Hampshire is a living memorial to embody the legacy of this intrepid woman; and

Whereas January 28, 2016, is a day on which the people of the United States should pause

to remember those pioneers who lost their lives 30 years ago: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 30th anniversary of the loss of the Space Shuttle Challenger;

(2) encourages the people of the United States to preserve the legacy of the crew of the Challenger; and

(3) recognizes the inspiration provided by a teacher for all Earth, Christa McAuliffe.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3042. Mr. ISAKSON (for himself, Mr. BENNET, Mr. PORTMAN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table.

SA 3043. Mr. HELLER (for himself, Mr. HEINRICH, Mr. RISCH, Mr. WYDEN, Mr. UDALL, Mr. TESTER, Mr. BENNET, Mr. DAINES, and Mr. GARDNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3044. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3045. Mr. ENZI (for himself, Mr. HATCH, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3046. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3047. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3048. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3049. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3050. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3051. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3052. Mr. FLAKE (for himself, Mr. MCCAIN, Mr. LANKFORD, and Mr. SESSIONS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3053. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3054. Mr. FLAKE (for himself, Mr. BENNET, Mr. MCCAIN, and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3055. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3056. Mr. FLAKE (for himself, Mrs. MCCASKILL, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3057. Mr. FLAKE (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3058. Mr. BLUNT (for himself, Mr. INHOFE, and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3059. Mr. BOOZMAN (for himself and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3060. Mr. BOOZMAN (for himself, Mr. COTTON, Mr. BLUNT, and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3061. Mrs. CAPITO (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3062. Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3063. Mrs. CAPITO (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra.

SA 3064. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3065. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3066. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3067. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra.

SA 3068. Ms. HIRONO (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3069. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3070. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3071. Mr. MORAN (for himself, Mr. COONS, Mr. GARDNER, Ms. STABENOW, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3072. Mr. DONNELLY (for himself, Mr. GRASSLEY, Mrs. FISCHER, Mr. THUNE, Mrs. MCCASKILL, Ms. BALDWIN, Mr. KIRK, Ms. HEITKAMP, Ms. KLOBUCHAR, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3073. Mr. KING (for himself, Ms. STABENOW, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3074. Mr. BLUNT (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3075. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3076. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3077. Mr. ROBERTS (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3078. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3079. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3080. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3081. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3082. Mr. BARRASSO (for himself, Mr. ENZI, Mr. INHOFE, Mr. DAINES, Mr. BLUNT, Mr. GARDNER, Mr. HATCH, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3083. Mr. BARRASSO (for himself, Mr. ENZI, Mr. INHOFE, Mr. DAINES, Mr. BLUNT, Mr. GARDNER, Mr. HATCH, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3084. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3085. Mr. WARNER (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3086. Mr. MURPHY (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3087. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3088. Ms. KLOBUCHAR (for herself, Mr. SCHUMER, Mr. CASEY, Mr. BLUMENTHAL, Mr. MENENDEZ, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3089. Ms. KLOBUCHAR (for herself, Mr. HOEVEN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3090. Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3091. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3092. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3093. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3094. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3095. Mr. DURBIN (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3096. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3097. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3098. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3099. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3100. Ms. WARREN (for herself, Mr. BLUMENTHAL, Mr. SCHUMER, Mr. MENENDEZ, Mr. MURPHY, Mr. NELSON, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3101. Mr. UDALL (for himself, Mr. BENNET, Mr. HEINRICH, Ms. HIRONO, Mr. MARKEY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3102. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3103. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3104. Mr. MENENDEZ (for himself, Ms. WARREN, Mr. BOOKER, Ms. MIKULSKI, Mr. MARKEY, Mr. BLUMENTHAL, Mr. SANDERS, Mr. WHITEHOUSE, Mr. NELSON, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3105. Mr. MENENDEZ (for himself, Mr. MARKEY, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. MERKLEY, Mrs. MURRAY, Mr. NELSON, Mr. LEAHY, Mr. CARDIN, Mrs. BOXER, Ms. KLOBUCHAR, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3106. Mr. CASSIDY (for himself, Mr. CORNYN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3107. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3108. Mr. WYDEN (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3109. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3110. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3111. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3112. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3113. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3114. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3115. Mr. FRANKEN (for himself, Mr. HEINRICH, Ms. WARREN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3116. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3117. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3118. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3119. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3120. Mr. KING (for himself and Mr. REID) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3121. Mr. HEINRICH (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3122. Mr. HEINRICH (for himself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3123. Mr. HEINRICH (for himself, Mr. WHITEHOUSE, Mr. UDALL, Ms. WARREN, Mr. FRANKEN, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3124. Mr. HEINRICH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3125. Mr. WHITEHOUSE (for himself, Mr. MARKEY, Mr. DURBIN, Mr. SANDERS, Mrs. SHAHEEN, Ms. BALDWIN, Mr. LEAHY, Mr. MURPHY, Mr. BLUMENTHAL, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3126. Mr. LEE (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3127. Mr. LEE (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3128. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3129. Ms. STABENOW (for herself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3130. Mr. WARNER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3131. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3132. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3133. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3134. Mr. COONS (for himself, Mr. REED, Mrs. SHAHEEN, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3135. Mrs. MCCASKILL submitted an amendment intended to be proposed to

amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3136. Mr. MENENDEZ (for himself, Ms. COLLINS, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3137. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3138. Mrs. SHAHEEN (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3139. Mr. COATS (for himself, Mr. MANCHIN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3140. Ms. COLLINS (for herself, Ms. KLOBUCHAR, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3141. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3142. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3042.** Mr. ISAKSON (for himself, Mr. BENNET, Mr. PORTMAN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

### Subtitle F—Housing

**SEC. 1501. DEFINITIONS.**

In this subtitle, the following definitions shall apply:

(1) COVERED LOAN.—The term ''covered loan'' means a loan secured by a home that is insured by the Federal Housing Administration.

(2) HOMEOWNER.—The term ''homeowner'' means the mortgagor under a covered loan.

(3) MORTGAGEE.—The term ''mortgagee'' means—

(A) an original lender under a covered loan or the holder of a covered loan at the time at which that mortgage transaction is consummated;

(B) any affiliate, agent, subsidiary, successor, or assignee of an original lender under a covered loan or the holder of a covered loan at the time at which that mortgage transaction is consummated;

(C) any servicer of a covered loan; and

(D) any subsequent purchaser, trustee, or transferee of any covered loan issued by an original lender.

(4) SERVICER.—The term ''servicer'' means the person or entity responsible for the servicing of a covered loan, including the person or entity who makes or holds a covered loan if that person or entity also services the covered loan.

(5) SERVICING.—The term ''servicing'' has the meaning given the term in section 6(i) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)).

**SEC. 1502. ENHANCED ENERGY EFFICIENCY UNDERWRITING CRITERIA.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Development shall, in consultation with the advisory group established in section 1505(b), develop and issue guidelines for the Federal Housing Administration to implement enhanced loan eligibility requirements, for use when testing the ability of a loan applicant to repay a covered loan, that account for the expected energy cost savings for a loan applicant at a subject property, in the manner set forth in subsections (b) and (c).

(b) REQUIREMENTS TO ACCOUNT FOR ENERGY COST SAVINGS.—The enhanced loan eligibility requirements under subsection (a) shall require that, for all covered loans for which an energy efficiency report is voluntarily provided to the mortgagee by the mortgagor, the Federal Housing Administration and the mortgagee shall take into consideration the estimated energy cost savings expected for the owner of the subject property in determining whether the loan applicant has sufficient income to service the mortgage debt plus other regular expenses. To the extent that the Federal Housing Administration uses a test such as a debt-to-income test that includes certain regular expenses, such as hazard insurance and property taxes, the expected energy cost savings shall be included as an offset to these expenses. Energy costs to be assessed include the cost of electricity, natural gas, oil, and any other fuel regularly used to supply energy to the subject property.

(c) DETERMINATION OF ESTIMATED ENERGY COST SAVINGS.—

(1) IN GENERAL.—The guidelines to be issued under subsection (a) shall include instructions for the Federal Housing Administration to calculate estimated energy cost savings using—

(A) the energy efficiency report;

(B) an estimate of baseline average energy costs; and

(C) additional sources of information as determined by the Secretary of Housing and Urban Development.

(2) REPORT REQUIREMENTS.—For the purposes of paragraph (1), an energy efficiency report shall—

(A) estimate the expected energy cost savings specific to the subject property, based on specific information about the property;

(B) be prepared in accordance with the guidelines to be issued under subsection (a); and

(C) be prepared—

(i) in accordance with the Residential Energy Service Network's Home Energy Rating System (commonly known as ''HERS'') by an individual certified by the Residential Energy Service Network, unless the Secretary of Housing and Urban Development finds that the use of HERS does not further the purposes of this subtitle;

(ii) in accordance with the Alaska Housing Finance Corporation energy rating system by an individual certified by the Alaska Housing Finance Corporation as an authorized Energy Rater; or

(iii) by other methods approved by the Secretary of Housing and Urban Development, in consultation with the Secretary and the advisory group established in section 1505(b), for use under this subtitle, which shall include a third-party quality assurance procedure.

(3) USE BY APPRAISER.—If an energy efficiency report is used under subsection (b), the energy efficiency report shall be provided to the appraiser to estimate the energy efficiency of the subject property and for potential adjustments for energy efficiency.

(d) REQUIRED DISCLOSURE TO CONSUMER FOR A HOME WITH AN ENERGY EFFICIENCY REPORT.—If an energy efficiency report is used under subsection (b), the guidelines to be issued under subsection (a) shall require the mortgagee to—

(1) inform the loan applicant of the expected energy costs as estimated in the energy efficiency report, in a manner and at a time as prescribed by the Secretary of Housing and Urban Development, and if practicable, in the documents delivered at the time of loan application; and

(2) include the energy efficiency report in the documentation for the loan provided to the borrower.

(e) REQUIRED DISCLOSURE TO CONSUMER FOR A HOME WITHOUT AN ENERGY EFFICIENCY REPORT.—If an energy efficiency report is not used under subsection (b), the guidelines to be issued under subsection (a) shall require the mortgagee to inform the loan applicant in a manner and at a time as prescribed by the Secretary of Housing and Urban Development, and if practicable, in the documents delivered at the time of loan application of—

(1) typical energy cost savings that would be possible from a cost-effective energy upgrade of a home of the size and in the region of the subject property;

(2) the impact the typical energy cost savings would have on monthly ownership costs of a typical home;

(3) the impact on the size of a mortgage that could be obtained if the typical energy cost savings were reflected in an energy efficiency report; and

(4) resources for improving the energy efficiency of a home.

(f) PRICING OF LOANS.—

(1) IN GENERAL.—The Federal Housing Administration may price covered loans originated under the enhanced loan eligibility requirements required under this section in accordance with the estimated risk of the loans.

(2) IMPOSITION OF CERTAIN MATERIAL COSTS, IMPEDIMENTS, OR PENALTIES.—In the absence of a publicly disclosed analysis that demonstrates significant additional default risk or prepayment risk associated with the loans, the Federal Housing Administration shall not impose material costs, impediments, or penalties on covered loans merely because the loan uses an energy efficiency report or the enhanced loan eligibility requirements required under this section.

(g) LIMITATIONS.—

(1) IN GENERAL.—The Federal Housing Administration may price covered loans originated under the enhanced loan eligibility requirements required under this section in accordance with the estimated risk of those loans.

(2) PROHIBITED ACTIONS.—The Federal Housing Administration shall not—

(A) modify existing underwriting criteria or adopt new underwriting criteria that intentionally negate or reduce the impact of the requirements or resulting benefits that are set forth or otherwise derived from the enhanced loan eligibility requirements required under this section; or

(B) impose greater buy back requirements, credit overlays, or insurance requirements, including private mortgage insurance, on covered loans merely because the loan uses an energy efficiency report or the enhanced loan eligibility requirements required under this section.

(h) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2019, the enhanced loan eligibility requirements required under this section shall

be implemented by the Federal Housing Administration to—

(1) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home;

(2) be available on any residential real property (including individual units of condominiums and cooperatives) that qualifies for a covered loan; and

(3) provide prospective mortgagees with sufficient guidance and applicable tools to implement the required underwriting methods.

**SEC. 1503. ENHANCED ENERGY EFFICIENCY UNDERWRITING VALUATION GUIDELINES.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) in consultation with the Federal Financial Institutions Examination Council and the advisory group established in section 1505(b), develop and issue guidelines for the Federal Housing Administration 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 section 1502(c)(2); and

(2) in consultation with the Secretary, issue guidelines for the Federal Housing Administration to determine the estimated energy savings under subsection (c) for properties with an energy efficiency report.

(b) REQUIREMENTS.—The enhanced energy efficiency underwriting valuation guidelines required under subsection (a) shall include—

(1) a requirement that if an energy efficiency report that meets the requirements of section 1502(c)(2) is voluntarily provided to the mortgagee, such report shall be used by the mortgagee or the Federal Housing Administration to determine the estimated energy savings of the subject property; and

(2) 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 the Federal Housing Administration 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 subsection (a).

(c) DETERMINATION OF ESTIMATED ENERGY SAVINGS.—

(1) 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 subsection (a), and the estimated energy costs for the subject property based upon the energy efficiency report.

(2) 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.

(3) 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 subsection (a).

(d) 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—

(1) in paragraph (2), by striking ''; and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by 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.''.

(e) 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—

(1) 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

(2) in paragraph (2), by inserting after before the period at the end the following: '', or an appraisal on which the appraiser makes adjustments using an energy efficiency report''.

(f) PROTECTIONS.—

(1) AUTHORITY TO IMPOSE LIMITATIONS.—The guidelines to be issued under subsection (a) shall include such limitations and conditions as determined by the Secretary of Housing and Urban Development 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.

(2) ADDITIONAL AUTHORITY.—At the end of the 7-year period following the implementation of enhanced eligibility and underwriting valuation requirements under this subtitle, the Secretary of Housing and Urban Development may modify or apply additional exceptions to the approach described in subsection (b), where the Secretary of Housing and Urban Development 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.

(g) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2019, the Federal Housing Administration shall implement the guidelines required under this section, which shall—

(1) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home; and

(2) be available on any residential real property, including individual units of condominiums and cooperatives, that qualifies for a covered loan.

**SEC. 1504. MONITORING.**

Not later than 1 year after the date on which the enhanced eligibility and underwriting valuation requirements are implemented under this subtitle, and every year thereafter, the Federal Housing Administration shall issue and make available to the public a report that—

(1) enumerates the number of covered loans of the Federal Housing Administration for which there was an energy efficiency report, and that used energy efficiency appraisal guidelines and enhanced loan eligibility requirements;

(2) includes the default rates and rates of foreclosures for each category of loans; and

(3) describes the risk premium, if any, that the Federal Housing Administration has priced into covered loans for which there was an energy efficiency report.

**SEC. 1505. RULEMAKING.**

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall prescribe regulations to carry out this subtitle, in consultation with the Secretary and the advisory group established in subsection (b), which may contain such classifications, differentiations, or other provisions, and may provide for such proper implementation and appropriate treatment of different types of transactions, as the Secretary of Housing and Urban Development determines are necessary or proper to effectuate the purposes of this subtitle, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(b) ADVISORY GROUP.—To assist in carrying out this subtitle, the Secretary of Housing and Urban Development shall establish an advisory group, consisting of individuals representing the interests of—

(1) mortgage lenders;

(2) appraisers;

(3) energy raters and residential energy consumption experts;

(4) energy efficiency organizations;

(5) real estate agents;

(6) home builders and remodelers;

(7) State energy officials; and

(8) others as determined by the Secretary of Housing and Urban Development.

**SEC. 1506. ADDITIONAL STUDY.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall reconvene the advisory group established in section 1505(b), in addition to water and locational efficiency experts, to advise the Secretary of Housing and Urban Development on the implementation of the enhanced energy efficiency underwriting criteria established in sections 1502 and 1503.

(b) RECOMMENDATIONS.—The advisory group established in section 1505(b) shall provide recommendations to the Secretary of Housing and Urban Development on any revisions or additions to the enhanced energy efficiency underwriting criteria deemed necessary by the group, which may include alternate methods to better account for home energy costs and additional factors to account for substantial and regular costs of homeownership such as location-based transportation costs and water costs. The Secretary of Housing and Urban Development shall forward any legislative recommendations from the advisory group to Congress for its consideration.

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**SA 3043.** Mr. HELLER (for himself, Mr. HEINRICH, Mr. RISCH, Mr. WYDEN, Mr. UDALL, Mr. TESTER, Mr. BENNET, Mr. DAINES, and Mr. GARDNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S.

2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, between lines 13 and 14, insert the following:

**Subpart B—Development of Geothermal, Solar, and Wind Energy on Public Land**

**CHAPTER 1—EXTENSION OF FUNDING FOR GEOTHERMAL STEAM ACT OF 1970**

**SEC. 3011A. EXTENSION OF FUNDING FOR IMPLEMENTATION OF GEOTHERMAL STEAM ACT OF 1970.**

(a) IN GENERAL.—Section 234(a) of the Energy Policy Act of 2005 (42 U.S.C. 15873(a)) is amended by striking ''in the first 5 fiscal years beginning after the date of enactment of this Act'' and inserting ''through fiscal year 2020''.

(b) AUTHORIZATION.—Section 234(b) of the Energy Policy Act of 2005 (42 U.S.C. 15873(b)) is amended—

(1) by striking ''Amounts'' and inserting the following:

''(1) IN GENERAL.—Amounts''; and

(2) by adding at the end the following:

''(2) AUTHORIZATION.—Effective for fiscal year 2017 and each fiscal year thereafter, amounts deposited under subsection (a) shall be available to the Secretary of the Interior for expenditure, subject to appropriation and without fiscal year limitation, to implement the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and this Act.''.

**CHAPTER 2—DEVELOPMENT OF GEOTHERMAL, SOLAR, AND WIND ENERGY ON PUBLIC LAND**

**Subchapter A—Environmental Reviews and Permitting**

**SEC. 3011B. DEFINITIONS.**

In this subchapter:

(1) COVERED LAND.—The term ''covered land'' means land that is—

(A) public land administered by the Secretary; and

(B) not excluded from the development of geothermal, solar, or wind energy under—

(i) a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(ii) other Federal law.

(2) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Land Management.

(3) EXCLUSION AREA.—The term ''exclusion area'' means covered land that is identified by the Bureau of Land Management as not suitable for development of renewable energy projects.

(4) PRIORITY AREA.—The term ''priority area'' means covered land identified by the land use planning process of the Bureau of Land Management as being a preferred location for a renewable energy project.

(5) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project carried out on covered land that uses wind, solar, or geothermal energy to generate energy.

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

(7) VARIANCE AREA.—The term ''variance area'' means covered land that is—

(A) not an exclusion area; and

(B) not a priority area.

**SEC. 3011C. LAND USE PLANNING; SUPPLEMENTS TO PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS.**

(a) PRIORITY AREAS.—

(1) IN GENERAL.—The Director, in consultation with the Secretary of Energy, shall establish variance areas on covered land for geothermal, solar, and wind energy projects.

(2) DEADLINE.—

(A) GEOTHERMAL ENERGY.—For geothermal energy, the Director shall establish priority areas as soon as practicable, but not later than 5 years, after the date of enactment of this Act.

(B) SOLAR ENERGY.—For solar energy, the 2012 western solar plan of the Bureau of Land Management shall be considered to establish priority areas for solar energy projects.

(C) WIND ENERGY.—For wind energy, the Director shall establish priority areas as soon as practicable, but not later than 3 years, after the date of enactment of this Act.

(3) REVIEW AND MODIFICATION.—Not less frequently than once every 10 years, the Director shall—

(A) review the adequacy of land allocations for geothermal, solar, and wind energy priority and variance areas for the purpose of encouraging new renewable energy development opportunities; and

(B) based on the review carried out under subparagraph (A), add, modify, or eliminate priority, variance, and exclusion areas.

(b) COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.—For purposes of this section, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

(1) for geothermal energy, by supplementing the October 2008 final programmatic environmental impact statement for geothermal leasing in the western United States;

(2) for solar energy, by supplementing the July 2012 final programmatic environmental impact statement for solar energy projects; and

(3) for wind energy, by supplementing the July 2005 final programmatic environmental impact statement for wind energy projects.

(c) NO EFFECT ON PROCESSING APPLICATIONS.—A requirement to prepare a supplement to a programmatic environmental impact statement under this section shall not result in any delay in processing an application for a renewable energy project.

(d) COORDINATION.—In developing a supplement required by this section, the Secretary shall coordinate, on an ongoing basis, with appropriate State, tribal, and local governments, transmission infrastructure owners and operators, developers, and other appropriate entities to ensure that priority areas identified by the Secretary are—

(1) economically viable (including having access to transmission);

(2) likely to avoid or minimize conflict with habitat for animals and plants, recreation, and other uses of covered land; and

(3) consistent with local planning efforts.

(e) REMOVAL FROM CLASSIFICATION.—In carrying out subsections (a), (b), and (c), if the Secretary determines an area previously suited for development should be removed from priority or variance classification, not later than 90 days after the date of the determination, the Secretary shall submit to Congress a report on the determination.

**SEC. 3011D. ENVIRONMENTAL REVIEW ON COVERED LAND.**

(a) IN GENERAL.—If the Director determines that a proposed renewable energy project has been sufficiently analyzed by a programmatic environmental impact statement conducted under section 3011C(b), the head of the applicable Federal agency shall not require any additional review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) ADDITIONAL ENVIRONMENTAL REVIEW.—If the Director determines that additional environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is necessary for a proposed renewable energy project, the head of the applicable Federal agency shall rely on the analysis in the programmatic environmental impact statement conducted under section 3011C(b), to the maximum extent practicable when analyzing the potential impacts of the project.

**SEC. 3011E. PROGRAM TO IMPROVE RENEWABLE ENERGY PROJECT PERMIT COORDINATION.**

(a) ESTABLISHMENT.—The Secretary shall establish a program to improve Federal permit coordination with respect to renewable energy projects on covered land.

(b) 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 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 the Governor of any interested State to be a signatory to the memorandum of understanding under paragraph (1).

(c) INTRADEPARTMENTAL COORDINATION.—The Secretary shall establish an ombudsperson in the Office of the Secretary, who shall be responsible for resolving intradepartmental disputes between 2 or more of the following agencies:

(1) The United States Fish and Wildlife Service.

(2) The National Park Service.

(3) The Bureau of Land Management.

(d) VARIANCE AREAS.—

(1) IN GENERAL.—In carrying out subsections (b) and (c), the heads of the Federal agencies described in those subsections shall consider entering into agreements and memoranda of understanding to expedite the environmental analysis of applications for projects proposed on covered land determined by the Secretary to be a variance area under section 3011C.

(2) AVAILABILITY FOR RENEWABLE ENERGY PROJECT DEVELOPMENT.—To the maximum extent practicable, the variance areas described in paragraph (1) shall be made available for renewable energy project development, after completion of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including an environmental assessment or finding of no significant impact under that Act, and subject to the policies and procedures set forth by the Secretary for evaluating variance applications in the programmatic environmental impact statement described in section 3011C(b).

(e) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date on which the memorandum of understanding under subsection (b) is executed, all Federal signatories, as appropriate, shall assign to each of the field offices described in subsection (f) 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) consultation regarding, and 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 section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a);

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(F) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.); and

(G) 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 field managers of the Bureau of Land Management in the office to which the employee is assigned;

(B) be responsible for addressing all issues relating to the jurisdiction of the home office or agency of the employee; and

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

(f) FIELD OFFICES.—The field offices referred to in subsection (e)(1) shall include field offices of the Bureau of Land Management in, at a minimum, the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

(g) ADDITIONAL PERSONNEL.—The Secretary shall assign to each field office described in subsection (f) such additional personnel as are necessary to ensure the effective implementation of any programs administered by the field offices, including inspection and enforcement relating to renewable energy project development on covered 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.).

(h) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1 of the first fiscal year beginning after the date of enactment of this Act, and each February 1 thereafter, the Secretary shall submit to the Chairperson and Ranking Member of the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the progress made pursuant to the program under this chapter during the preceding year.

(2) INCLUSIONS.—Each report under this subsection shall include—

(A) projections for renewable energy production and capacity installations; and

(B) a description of any problems relating to leasing, permitting, siting, or production.

**Subchapter B—Revenues and Enforcement**

**SEC. 3011F. DEFINITIONS.**

In this subchapter:

(1) COVERED LAND.—The term ''covered land'' means land that is—

(A)(i) public land administered by the Secretary; or

(ii) National Forest System land administered by the Secretary of Agriculture; and

(B) not excluded from the development of solar or wind energy under—

(i) a final land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) a final land use plan established under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.); or

(iii) other Federal law.

(2) FEDERAL LAND.—The term ''Federal land'' means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))); or

(B) public land.

(3) FUND.—The term ''Fund'' means the Renewable Energy Resource Conservation Fund established by section 3011G(c)(1).

(4) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(5) SECRETARIES.—The term ''Secretaries'' means—

(A) in the case of public land administered by the Secretary, the Secretary; and

(B) in the case of National Forest System land administered by the Secretary of Agriculture, the Secretary of Agriculture.

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

**SEC. 3011G. DISPOSITION OF REVENUES.**

(a) DISPOSITION OF REVENUES.—Beginning on January 1, 2017, subject to the availability of appropriations, and without fiscal year limitation, of the amounts collected as bonus bids, rentals, fees, or other payments under a right-of-way, permit, lease, or other authorization (other than under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g))) for the development of wind or solar energy on covered land—

(1) 25 percent shall be paid by the Secretary of the Treasury to the State within the boundaries of which the revenue is derived;

(2) 25 percent shall be paid by the Secretary of the Treasury to the 1 or more counties within the boundaries of which the revenue is derived, to be allocated among the counties based on the percentage of land from which the revenue is derived;

(3) to be deposited in the Treasury and be made available to the Secretary to carry out the program established by section 3011E, including the transfer of the funds by the Bureau of Land Management to other Federal agencies and State agencies to facilitate the processing of renewable energy permits on Federal land, with priority given to using the amounts, to the maximum extent practicable, to reducing the backlog of renewable energy permits that have not been processed in the State from which the revenues are derived—

(A) 25 percent for each of fiscal years 2016 through 2030;

(B) 22 percent for fiscal year 2031;

(C) 19 percent for fiscal year 2032;

(D) 16 percent for fiscal year 2033;

(E) 13 percent for fiscal year 2034; and

(F) 10 percent for fiscal year 2035 and each fiscal year thereafter; and

(4) to be deposited in the Renewable Energy Resource Conservation Fund established by subsection (c)—

(A) 25 percent for each of fiscal years 2016 through 2030;

(B) 28 percent for fiscal year 2031;

(C) 31 percent for fiscal year 2032;

(D) 34 percent for fiscal year 2033;

(E) 37 percent for fiscal year 2034; and

(F) 40 percent for fiscal year 2035 and each fiscal year thereafter.

(b) PAYMENTS TO STATES AND COUNTIES.—

(1) IN GENERAL.—Amounts paid to States and counties under subsection (a) shall be used consistent with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(2) PAYMENTS IN LIEU OF TAXES.—A payment to a county under paragraph (1) shall be in addition to a payment in lieu of taxes received by the county under chapter 69 of title 31, United States Code.

(c) RENEWABLE ENERGY RESOURCE CONSERVATION FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Renewable Energy Resource Conservation Fund'', to be administered by the Secretary, in consultation with the Secretary of Agriculture, who may make funds available to Secretary of Agriculture, Federal or State agencies, or qualified third parties, to be distributed in a region in which a renewable energy project is located on Federal land, for the purposes of—

(A) restoring and protecting—

(i) fish and wildlife habitat for affected species;

(ii) fish and wildlife corridors for affected species; and

(iii) water resources in areas affected by wind or solar energy development; and

(B) preserving and improving recreational access to Federal land and water in an affected region through an easement, right-of-way, or other instrument from willing landowners for the purpose of enhancing public access to existing Federal land and water that is inaccessible or significantly restricted.

(2) INVESTMENT OF FUND.—

(A) IN GENERAL.—Any amounts deposited in the Fund shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(B) USE.—Any interest earned under subparagraph (A) may be expended in accordance with this subsection.

(3) INTENT OF CONGRESS.—It is the intent of Congress that the revenues deposited and used in the Fund shall supplement and not supplant annual appropriations for conservation activities described in subparagraphs (A) and (B) of paragraph (1).

**SEC. 3011H. REPORT TO CONGRESS.**

(a) IN GENERAL.—Not later than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary, in consultation with the Secretary of Agriculture, shall—

(1) complete a review of collections and impacts of the rents and fees provided under this subchapter; and

(2) submit to the Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Natural Resources and Agriculture of the House of Representatives a report describing the results of the review.

(b) TOPICS.—The report shall address—

(1) the total revenues received (by category) on an annual basis as rents from wind, solar, and geothermal development and production (specified by energy source) on covered land;

(2) whether the revenues received for the development of wind, solar, and geothermal development—

(A) ensure a fair return to the public comparable to the revenues received for similar development on State and private land;

(B) encourage production of solar or wind energy; and

(C) encourage the maximum energy generation while disturbing the least quantity of covered land and other natural resources, including water;

(3) any impact on the development of wind, solar, and geothermal development and production on covered land as a result of the rents; and

(4) any recommendations with respect to changes in Federal law (including regulations) relating to the amount or method of collection (including auditing, compliance, and enforcement) of the rents.

**SEC. 3011I. ENFORCEMENT OF PAYMENT PROVISIONS.**

(a) DUTIES OF THE SECRETARY.—The Secretary shall establish a comprehensive inspection, collection, fiscal, and production accounting and auditing system—

(1) to accurately determine rents, interest, fines, penalties, fees, deposits, and other payments owed under this subchapter; and

(2) to collect and account for the payments in a timely manner.

(b) ENFORCEMENT.—

(1) IN GENERAL.—Sections 302(c) and 303 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(c), 1733) shall apply to activities conducted on covered land under this subchapter.

(2) APPLICABILITY OF OTHER ENFORCEMENT PROVISIONS.—Nothing in this subchapter reduces or limits the enforcement authority vested in the Secretary or the Attorney General by any other law.

**SEC. 3011J. SEGREGATION FROM APPROPRIATION UNDER MINING AND FEDERAL LAND LAWS.**

(a) IN GENERAL.—On covered land identified by the Secretary or the Secretary of Agriculture for the development of renewable energy projects under this subchapter or other applicable law, the Secretary or the Secretary of Agriculture may temporarily segregate the identified land from appropriation under the mining and public land laws.

(b) ADMINISTRATION.—Segregation of covered land under this section—

(1) may only be made for a period not to exceed 10 years; and

(2) shall be subject to valid existing rights as of the date of the segregation.

On page 244, line 14, strike ''**Subpart B**'' and insert ''**Subpart C**''.

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**SA 3044.** Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 304, strike line 11 and all that follows through page 311, line 7, and insert the following:

(b) ESTABLISHMENT OF COAL TECHNOLOGY PROGRAM.—The Energy Policy Act of 2005 (as amended by subsection (a)) is amended by inserting after section 961 (42 U.S.C. 16291) the following:

**''SEC. 962. COAL TECHNOLOGY PROGRAM.**

''(a) DEFINITIONS.—In this section:

''(1) LARGE-SCALE PILOT PROJECT.—The term 'large-scale pilot project' means a pilot project that—

''(A) represents the scale of technology development beyond laboratory development and bench scale testing, but not yet advanced to the point of being tested under real operational conditions at commercial scale;

''(B) represents the scale of technology necessary to gain the operational data needed to understand the technical and performance risks of the technology before the application of that technology at commercial scale or in commercial-scale demonstration; and

''(C) is large enough—

''(i) to validate scaling factors; and

''(ii) to demonstrate the interaction between major components so that control philosophies for a new process can be developed and enable the technology to advance from large-scale pilot plant application to commercial-scale demonstration or application.

''(2) NET-NEGATIVE CARBON DIOXIDE EMISSIONS PROJECT.—The term 'net-negative carbon dioxide emissions project' means a project—

''(A) that employs a technology for thermochemical coconversion of coal and biomass fuels that—

''(i) uses a carbon capture system; and

''(ii) with carbon dioxide removal, can provide electricity, fuels, or chemicals with net-negative carbon dioxide emissions from production and consumption of the end products, while removing atmospheric carbon dioxide;

''(B) that will proceed initially through a large-scale pilot project for which front-end engineering will be performed for bituminous, subbituminous, and lignite coals; and

''(C) through which each use of coal will be combined with the use of a regionally indigenous form of biomass energy, provided on a renewable basis, that is sufficient in quantity to allow for net-negative emissions of carbon dioxide (in combination with a carbon capture system), while avoiding impacts on food production activities.

''(3) PROGRAM.—The term 'program' means the program established under subsection (b)(1).

''(4) TRANSFORMATIONAL TECHNOLOGY.—

''(A) IN GENERAL.—The term 'transformational technology' means a power generation technology that represents an entirely new way to convert energy that will enable a step change in performance, efficiency, and cost of electricity as compared to the technology in existence on the date of enactment of this section.

''(B) INCLUSIONS.—The term 'transformational technology' includes a broad range of technology improvements, including—

''(i) thermodynamic improvements in energy conversion and heat transfer, including—

''(I) oxygen combustion;

''(II) chemical looping; and

''(III) the replacement of steam cycles with supercritical carbon dioxide cycles;

''(ii) improvements in turbine technology;

''(iii) improvements in carbon capture systems technology; and

''(iv) any other technology the Secretary recognizes as transformational technology.

''(b) COAL TECHNOLOGY PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a coal technology program to ensure the continued use of the abundant, domestic coal resources of the United States through the development of technologies that will significantly improve the efficiency, effectiveness, costs, and environmental performance of coal use.

''(2) REQUIREMENTS.—The program shall include—

''(A) a research and development program;

''(B) large-scale pilot projects;

''(C) demonstration projects; and

''(D) net-negative carbon dioxide emissions projects.

''(3) PROGRAM GOALS AND OBJECTIVES.—In consultation with the interested entities described in paragraph (4)(C), the Secretary shall develop goals and objectives for the program to be applied to the technologies developed within the program, taking into consideration the following objectives:

''(A) Ensure reliable, low-cost power from new and existing coal plants.

''(B) Achieve high conversion efficiencies.

''(C) Address emissions of carbon dioxide through high-efficiency platforms and carbon capture from new and existing coal plants.

''(D) Support small-scale and modular technologies to enable incremental capacity additions and load growth and large-scale generation technologies.

''(E) Support flexible baseload operations for new and existing applications of coal generation.

''(F) Further reduce emissions of criteria pollutants and reduce the use and manage the discharge of water in power plant operations.

''(G) Accelerate the development of technologies that have transformational energy conversion characteristics.

''(H) Validate geological storage of large volumes of anthropogenic sources of carbon dioxide and support the development of the infrastructure needed to support a carbon dioxide use and storage industry.

''(I) Examine methods of converting coal to other valuable products and commodities in addition to electricity.

''(4) CONSULTATIONS REQUIRED.—In carrying out the program, the Secretary shall—

''(A) undertake international collaborations, as recommended by the National Coal Council;

''(B) use existing authorities to encourage international cooperation; and

''(C) consult with interested entities, including—

''(i) coal producers;

''(ii) industries that use coal;

''(iii) organizations that promote coal and advanced coal technologies;

''(iv) environmental organizations;

''(v) organizations representing workers; and

''(vi) organizations representing consumers.

''(c) REPORT.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall submit to Congress a report describing the performance standards adopted under subsection (b)(3).

''(2) UPDATE.—Not less frequently than once every 2 years after the initial report is submitted under paragraph (1), the Secretary shall submit to Congress a report describing the progress made towards achieving the objectives and performance standards adopted under subsection (b)(3).

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

''(A) $632,000,000 for each of fiscal years 2017 through 2020; and

''(B) $582,000,000 for fiscal year 2021.

''(2) ALLOCATIONS.—The amounts made available under paragraph (1) shall be allocated as follows:

''(A) For activities under the research and development program component described in subsection (b)(2)(A)—

''(i) $275,000,000 for each of fiscal years 2017 through 2020; and

''(ii) $200,000,000 for fiscal year 2021.

''(B) For activities under the demonstration projects program component described in subsection (b)(2)(C)—

''(i) $50,000,000 for each of fiscal years 2017 through 2020; and

''(ii) $75,000,000 for fiscal year 2021.

''(C) Subject to paragraph (3), for activities under the large-scale pilot projects program component described in subsection (b)(2)(B), $285,000,000 for each of fiscal years 2017 through 2021.

''(D) For activities under the net-negative carbon dioxide emissions projects program component described in subsection (b)(2)(D), $22,000,000 for each of fiscal years 2017 through 2021.

''(3) COST SHARING FOR LARGE-SCALE PILOT PROJECTS.—Activities under subsection (b)(2)(B) shall be subject to the cost-sharing requirements of section 988(b).''.

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**SA 3045.** Mr. ENZI (for himself, Mr. HATCH, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**Subtitle __—States**

**SEC. 3_____. STATE MINERAL REVENUE PROTECTION.**

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in the first sentence of subsection (a), by striking ''shall be paid into the Treasury''

and inserting ''shall, except as provided in subsection (e), be paid into the Treasury'';

(2) in subsection (c)(1), by inserting ''and except as provided in subsection (e)'' before '', any rentals''; and

(3) by adding at the end the following:

''(e) CONVEYANCE TO STATES OF PROPERTY INTEREST IN STATE SHARE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, on request of a State and in lieu of any payments to the State under subsection (a), the Secretary of the Interior shall convey to the State all right, title, and interest in and to the percentage specified in that subsection for that State of all amounts otherwise required to be paid into the Treasury under that subsection from sales, bonuses, royalties (including interest charges), and rentals for all public land or deposits located in the State.

''(2) AMOUNT.—Notwithstanding any other provision of law, after a conveyance to a State under paragraph (1), any person shall pay directly to the State any amount owed by the person for which the right, title, and interest has been conveyed to the State under this subsection.

''(3) NOTICE.—The Secretary of the Interior shall promptly provide to each holder of a lease of public land to which subsection (a) applies that are located in a State to which right, title, and interest is conveyed under this subsection notice that—

''(A) the Secretary of the Interior has conveyed to the State all right, title, and interest in and to the amounts referred to in paragraph (1); and

''(B) the leaseholder is required to pay the amounts directly to the State.''.

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**SA 3046.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PRIORITIZATION OF CERTAIN FEDERAL REVENUES.**

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) by striking the section designation and all that follows through ''All money received'' in the first sentence of subsection (a) and inserting the following:

**''SEC. 35. DISPOSITION OF MONEY RECEIVED.**

''(a) DISPOSITION.—

''(1) IN GENERAL.—All money received''; and

(2) in subsection (a)—

(A) in the second sentence, by striking ''All moneys received'' and inserting the following:

''(2) AMOUNTS TO MISCELLANEOUS RECEIPTS.—

''(A) IN GENERAL.—All money received'';

(B) in the third sentence, by striking ''Payments to States'' and inserting the following:

''(3) DEADLINES.—Payments to States''; and

(C) in paragraph (2) (as designated by subparagraph (A)), by adding at the end the following:

''(B) PRIORITIZATION OF REVENUES.—

''(i) IN GENERAL.—

''(I) DEPOSIT.—Notwithstanding any other provision of this Act, if, after the date of enactment of this subparagraph, the Secretary or Congress increases a royalty rate under this Act (as in effect on the day before the date of enactment of this subparagraph), of the amount described in clause (ii), there shall be deposited annually in a special account in the Treasury only such funds as are necessary to fulfill the staffing requirements of the agencies responsible for activities relating to—

''(aa) coordinating or permitting Federal oil and gas leases;

''(bb) permits to drill and applications for permits to drill (APDs);

''(cc) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(dd) any other aspect of oil and gas permitting or leasing under this Act.

''(II) USE OF FUNDS.—Funds deposited under subclause (I) shall only be available subject to appropriations.

''(ii) DESCRIPTION OF AMOUNT.—The amount referred to in clause (i)(I) is an amount equal to the difference between—

''(I) the amounts credited to miscellaneous receipts under paragraph (1), taking into account the increased royalty rate under this Act, as described in clause (i)(I); and

''(II) the amounts credited to miscellaneous receipts under paragraph (1), as in effect on the day before the effective date of such an increased royalty rate.

''(iii) MEMORANDA OF UNDERSTANDING.—To carry out the staffing requirements prioritized under clause (i)(I), the Director of the Bureau of Land Management may enter into memoranda of understanding for the provision of support work with—

''(I) the Administrator of the Environmental Protection Agency;

''(II) the Secretary of the Army, acting through the Chief of Engineers;

''(III) the Director of the United States Fish and Wildlife Service;

''(IV) the Chief of the Forest Service;

''(V) Indian tribes and tribal organizations; and

''(VI) Governors of the States.''.

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**SA 3047.** Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part IV of subtitle A of title III, add the following:

**SEC. 3018. PROHIBITION ON USE OF CERTAIN FUNDS FOR RENEWABLE FUEL BLENDER PUMPS.**

Notwithstanding any other provision of law, the Secretary of Agriculture may not use any funds of the Commodity Credit Corporation or any other funds to provide grants or otherwise support or assist the construction, maintenance, or use of renewable fuel blender pumps, including through the Biofuels Infrastructure Partnership.

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**SA 3048.** Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. NATIONAL AMBIENT AIR QUALITY STANDARDS.**

(a) IN GENERAL.—Section 109(d) of the Clean Air Act (42 U.S.C. 7409(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''(d)(1) Not later than December 31, 1980, and at five-year intervals'' and inserting the following:

''(d) REVIEW AND REVISION OF CRITERIA AND STANDARDS; INDEPENDENT SCIENTIFIC REVIEW COMMITTEE; APPOINTMENT; ADVISORY FUNCTIONS.—

''(1) REVIEW AND REVISION OF CRITERIA AND STANDARDS.—

''(A) IN GENERAL.—Not later than December 31, 1980, and at 10-year intervals''; and

(B) in the second sentence, by striking ''The Administrator'' and inserting the following:

''(B) EARLY AND FREQUENT REVIEW AND REVISION.—The Administrator''; and

(2) in paragraph (2)(B), by striking ''(B) Not later than January 1, 1980, and at five-year intervals'' and inserting the following:

''(B) REVIEW.—Not later than January 1, 1980, and at 10-year intervals''.

(b) NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.—Notwithstanding any other provision of law (including the amendments made by subsection (a)), the final rule entitled ''National Ambient Air Quality Standards for Ozone'' (80 Fed. Reg. 65292 (October 26, 2015)) shall not take effect until February 1, 2018.

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**SA 3049.** Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. INSTALLATION RENEWABLE ENERGY PROJECT REPORT.**

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on installation renewable energy projects undertaken since 2011.

(b) ELEMENTS.—The report required under subsection (a) shall include, for each installation energy project with an output equal to or greater than one (1) megawatt—

(1) the estimated project costs;

(2) estimated power generation;

(3) estimated total cost savings;

(4) estimated payback period;

(5) total project costs;

(6) actual power generation;

(7) actual cost savings to date;

(8) current operational status; and

(9) any other matters the Secretary determines appropriate.

(c) NON-DISCLOSURE OF CERTAIN INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may, on a case-by-case basis, withhold from inclusion in the report submitted under subsection (a) information pertaining to individual projects if the Secretary determines that the disclosure of such information would jeopardize operational security.

(2) REQUIRED DISCLOSURE.—In the event the Secretary withholds information related to one or more renewable energy projects under paragraph (1), the Secretary shall include in the report—

(A) a statement that information has been withheld; and

(B) an aggregate amount for each of paragraphs (1), (2), (3), (5), (6), and (7) of subsection (b) that includes amounts for all renewable energy projects described under subsection (a), including those with respect to which information has been withheld under paragraph (1) of this subsection.

(d) UPDATED REPORT.—Not later than one year after the date the report is submitted under subsection (a), the Secretary of Defense shall submit an update to the report to the appropriate congressional committees.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term

''appropriate congressional committees'' means—

(1) the congressional defense committees (as that term is defined in section 101(a) of title 10, United States Code;

(2) the Committee on Energy and Natural Resources of the Senate; and

(3) the Committee on Energy and Commerce of the House of Representatives.

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**SA 3050.** Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IV, add the following:

**SEC. 4405. RESEARCH GRANTS DATABASE.**

(a) IN GENERAL.—The Secretary shall establish and maintain a public database, accessible on the website of the Department, that contains a searchable listing of every unclassified research and development project contract, grant, cooperative agreement, task order for federally funded research and development centers, or other transaction administered by the Department.

(b) CLASSIFIED PROJECTS.—Each year, the Secretary shall submit to the relevant committees of Congress a report that lists every classified project of the Department, including all relevant details of the projects.

(c) REQUIREMENTS.—Each listing described in subsections (a) and (b) shall include, at a minimum, for each listed project, the component carrying out the project, the project name, an abstract or summary of the project, funding levels, project duration, contractor or grantee name, and expected objectives and milestones.

(d) RELEVANT LITERATURE AND PATENTS.—To the maximum extent practicable, the Secretary shall provide information through the public database established under subsection (a) on relevant literature and patents that are associated with each research and development project contract, grant, or cooperative agreement, or other transaction, of the Department.

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**SA 3051.** Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. EXTENSION OF COMPLIANCE DEADLINE FOR CARBON DIOXIDE EMISSIONS RULE.**

(a) DEFINITION OF COMPLIANCE DATE.—

(1) IN GENERAL.—In this section, the term ''compliance date'' means the date by which any State, local, or tribal government or other person is required to comply with any requirement in—

(A) the final rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015)); or

(B) a final rule that succeeds the proposed rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: EGUs in Indian Country and U.S. Territories; Multi-Jurisdictional Partnerships'' (79 Fed. Reg. 65482 (November 4, 2014)).

(2) INCLUSION.—The term ''compliance date'' includes the date by which State plans are required to be submitted to the Administrator of the Environmental Protection Agency under any final rule described in paragraph (1).

(b) EXTENSIONS.—If any person files a petition for review to challenge a final rule described in subsection (a)(1), each compliance date shall be extended by the time period equal to the period of days that—

(1) begins on the date that is 60 days after October 23, 2015, the date on which notice of promulgation of a final rule described in subsection (a)(1) appeared in the Federal Register; and

(2) ends on the date that is 60 days after the date on which judgment becomes final, and no longer subject to further appeal or review, in all actions (including any action filed pursuant to section 307 of the Clean Air Act (42 U.S.C. 7607)) that—

(A) are filed during the time period described in paragraph (1); and

(B) seek review of any aspect of the rule.

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**SA 3052.** Mr. FLAKE (for himself, Mr. MCCAIN, Mr. LANKFORD, and Mr. SESSIONS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. SUSPENSION OF SPECIFIED ENERGY GRANTS.**

Section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended by adding at the end the following new subsection:

''(k) SPECIAL RULE.—The Secretary of the Treasury shall not make any grant to any person under this section after the date of the enactment of this subsection and before the date that both the Inspector General of the Department of the Treasury and the Treasury Inspector General for Tax Administration have completed and submitted to Congress a comprehensive investigation relating to fraud with respect to the grants allowed under this section, including fraud—

''(1) through overestimating the cost bases of property for purposes of collecting such grants, and

''(2) through claiming both tax benefits and grants with respect to the same property.''.

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**SA 3053.** Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. CROSS-SUBSIDIZATION OF CUSTOMER-SIDE TECHNOLOGY.**

(a) CONSIDERATION OF IMPACT FROM CROSS-SUBSIDIZATION OF CUSTOMER-SIDE TECHNOLOGY.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(20) CONSIDERATION OF IMPACT FROM CROSS-SUBSIDIZATION OF CUSTOMER-SIDE TECHNOLOGY.—

''(A) DEFINITION OF CUSTOMER-SIDE TECHNOLOGY.—In this paragraph, the term 'customer-side technology' means a device connected to the electricity distribution system—

''(i) at, or on the customer side of, the meter; or

''(ii) that, if owned or operated by, or on behalf of, an electric utility, would otherwise be at, or on the customer side of, the meter.

''(B) CONSIDERATION.—Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall consider, to the extent a State regulatory authority or nonregulated electric utility allows rates charged by any electric utility to include any cost, fee, or charge that directly or indirectly subsidizes the deployment, construction, maintenance, or operation of customer-side technology, whether subsidizing the deployment, construction, maintenance, or operation of a customer-side technology would—

''(i) result in benefits predominately enjoyed by only the users of the customer-side technology;

''(ii) shift costs of a customer-side technology to electricity consumers that do not use the customer-side technology, particularly in cases in which disparate economic or resource conditions exist among the electricity consumers cross-subsidizing the customer-side technology;

''(iii) negatively affect resource utilization, fuel diversity, grid reliability, or grid security;

''(iv) provide any unfair competitive advantage to market the customer-side technology, including an analysis of whether the State regulatory authority or other State authority has uncovered any fraudulent customer-side technology marketing practices within the State; and

''(v) be necessary to fulfill an obligation to serve electric consumers.

''(C) PUBLIC NOTICE.—At least 90 days before the date on which a State regulatory authority or nonregulated electric utility holds a proceeding that would consider the cross-subsidization of a customer-side technology, the State regulatory authority or nonregulated electric utility shall make available to the public the results of the evaluation conducted under subparagraph (B).''.

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

''(7)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility shall, with respect to the standard established by paragraph (20) of section 111(d)—

''(i) commence the consideration referred to in section 111; or

''(ii) set a hearing date for the consideration.

''(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall—

''(i) complete the consideration required under subparagraph (A); and

''(ii) make the determination referred to in section 111 with respect to the standard established by paragraph (20) of section 111(d).''.

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding at the end the following: ''In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph.''.

**SA 3054.** Mr. FLAKE (for himself, Mr. BENNET, Mr. MCCAIN, and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.**

(a) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(b) FUNDING.—Funds of the National Park Service that are appropriated after the date of enactment of this Act shall be used to carry out this section.

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**SA 3055.** Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. WESTERN AREA POWER ADMINISTRATION PILOT PROJECT.**

(a) IN GENERAL.—The Administrator of the Western Area Power Administration (referred to in this section as the ''Administrator'') shall establish a pilot project, as part of the continuous process improvement program and to provide increased transparency for customers, to publish on a publicly available website of the Western Area Power Administration, a searchable database of the following information, beginning with fiscal year 2008, relating to the Western Area Power Administration:

(1) By power system, rates charged to customers for power and transmission service.

(2) By power system, the amount of capacity or energy sold.

(3) By region, a detailed accounting of the allocation of budget authority, including—

(A) overhead costs;

(B) the number of contractors; and

(C) the number of full-time equivalents.

(4) For the corporate services office, a detailed accounting of the allocation of budget authority, including—

(A) overhead costs;

(B) the number of contractors;

(C) the number of full-time equivalents; and

(D) expenses charged to other Federal agencies or programs for the administration of programs not related to the marketing, transmission, or wheeling of Federal hydropower resources, including—

(i) overhead costs;

(ii) the number of contractors; and

(iii) the number of full-time equivalents.

(5) Capital expenditures, including—

(A) capital investments delineated by the year in which each investment is placed into service; and

(B) the sources of capital for each investment.

(b) REPORT.—Not less than once each year for the duration of the pilot project under this section, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(1) describes the annual estimated avoided costs and the savings as a result of the pilot project under this section; and

(2) includes a certification from the Administrator that—

(A) the rates for each power system do not recover costs and expenses recovered by other power systems; and

(B) each expense allocated by the corporate services office to an individual power system is only recovered once.

(c) TERMINATION.—The pilot project under this section shall terminate on the date that is 10 years after the date of enactment of this Act.

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**SA 3056.** Mr. FLAKE (for himself, Mrs. MCCASKILL, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1020 (relating to an evaluation of potentially duplicative green building programs within the Department of Energy) and insert the following:

**SEC. 1020. EVALUATION OF POTENTIALLY DUPLICATIVE GREEN BUILDING PROGRAMS.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—The term ''administrative expenses'' has the meaning given the term by the Director of the Office of Management and Budget under section 504(b)(2) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (31 U.S.C. 1105 note; Public Law 111–85).

(B) INCLUSIONS.—The term ''administrative expenses'' includes, with respect to an agency—

(i) costs incurred by—

(I) the agency; or

(II) any grantee, subgrantee, or other recipient of funds from a grant program or other program administered by the agency; and

(ii) expenses relating to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication regarding, promotion of, and outreach for programs and program activities administered by the agency.

(2) APPLICABLE PROGRAM.—The term ''applicable program'' means any program that is—

(A) listed in Table 9 (pages 348–350) of the report of the Government Accountability Office entitled ''2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue''; and

(B) administered by—

(i) the Secretary;

(ii) the Secretary of Agriculture;

(iii) the Secretary of Defense;

(iv) the Secretary of Education;

(v) the Secretary of Health and Human Services;

(vi) the Secretary of Housing and Urban Development;

(vii) the Secretary of Transportation;

(viii) the Secretary of the Treasury;

(ix) the Administrator of the Environmental Protection Agency;

(x) the Director of the National Institute of Standards and Technology; or

(xi) the Administrator of the Small Business Administration.

(3) SERVICE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''service'' has the meaning given the term by the Director of the Office of Management and Budget.

(B) REQUIREMENTS.—For purposes of subparagraph (A), the term ''service'' shall be limited to activities, assistance, or other aid that provides a direct benefit to a recipient, such as—

(i) the provision of technical assistance;

(ii) assistance for housing or tuition; or

(iii) financial support (including grants, loans, tax credits, and tax deductions).

(b) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall submit to Congress and make available on the public Internet website of the Department a report that describes the applicable programs.

(2) REQUIREMENTS.—In preparing the report under paragraph (1), the Secretary shall—

(A) determine the approximate annual total administrative expenses of each applicable program;

(B) determine the approximate annual expenditures for services for each applicable program;

(C) describe the intended market for each applicable program, including the—

(i) estimated the number of clients served by each applicable program; and

(ii) beneficiaries who received services or information under the applicable program (if applicable and if data is readily available);

(D) estimate—

(i) the number of full-time employees who administer each applicable program; and

(ii) the number of full-time equivalents (the salary of whom is paid in part or full by the Federal Government through a grant or contract, a subaward of a grant or contract, a cooperative agreement, or another form of financial award or assistance) who assist in administering the applicable program;

(E) briefly describe the type of services each applicable program provides, such as information, grants, technical assistance, loans, tax credits, or tax deductions;

(F) identify the type of recipient who is intended to benefit from the services or information provided under the applicable program, such as individual property owners or renters, local governments, businesses, nonprofit organizations, or State governments; and

(G) identify whether written program goals are available for each applicable program.

(c) RECOMMENDATIONS.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall submit to Congress a report that includes—

(1) a recommendation of whether any applicable program should be eliminated or consolidated, including any legislative changes that would be necessary to eliminate or consolidate applicable programs; and

(2) methods to improve the applicable programs by establishing program goals or increasing collaboration to reduce any potential overlap or duplication, taking into account—

(A) the 2011 report of the Government Accountability Office entitled ''Federal Initiatives for the Nonfederal Sector Could Benefit from More Interagency Collaboration''; and

(B) the report of the Government Accountability Office entitled ''2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue''.

(d) ANALYSES.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall identify—

(1) which applicable programs were specifically authorized by Congress; and

(2) which applicable programs are carried out solely under the discretionary authority of the Secretary or any agency head described in clauses (ii) through (xi) of subsection (a)(2)(B).

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**SA 3057.** Mr. FLAKE (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. HYDROPOWER RESERVOIR OPERATION IMPROVEMENT.**

(a) DEFINITIONS.—In this section:

(1) RESERVED WORKS.—The term ''reserved works'' means any Bureau of Reclamation project facility at which the Secretary of the Interior carries out the operation and maintenance of the project facility.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(3) TRANSFERRED WORKS.—The term ''transferred works'' means a Bureau of Reclamation project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(4) TRANSFERRED WORKS OPERATING ENTITY.—The term ''transferred works operating entity'' means the organization that is contractually responsible for operation and maintenance of transferred works.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report including, for any State in which a county designated by the Secretary of Agriculture as a drought disaster area during water year 2015 is located, a list of projects, including Corps of Engineers projects, non-Federal projects, and transferred works, operated for flood control in accordance with rules prescribed by the Secretary pursuant to section 7 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 890, chapter 665), including, as applicable—

(1) the year the original water control manual was approved;

(2) the year for any subsequent revisions to the water control plan and manual of the project;

(3) a list of projects for which—

(A) operational deviations for drought contingency have been requested;

(B) the status of the request; and

(C) a description of how water conservation and water quality improvements were addressed; and

(4) a list of projects for which permanent or seasonal changes to storage allocations have been requested, and the status of the request.

(c) PROJECT IDENTIFICATION.—Not later than 60 days after the date of completion of the report under subsection (b), the Secretary shall identify any projects described in the report—

(1) for which the modification of the water operations manuals, including flood control rule curve, would be likely to enhance existing authorized project purposes for water supply benefits and flood control operations;

(2) for which the water control manual and hydrometeorological information establishing the flood control rule curves of the project have not been substantially revised during the 15-year period ending on the date of review by the Secretary; and

(3) for which the non-Federal sponsor or sponsors of a Corps of Engineers project, the owner of a non-Federal project, or the non-Federal transferred works operating entity, as applicable, has submitted to the Secretary a written request to revise water operations manuals, including flood control rule curves, based on the use of improved weather forecasting or run-off forecasting methods, new watershed data, changes to project operations, or structural improvements.

(d) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 1 year after the date of identification of projects under subsection (c), if any, the Secretary shall carry out not more than 15 pilot projects, which shall include not less than 6 non-Federal projects, to implement revisions of water operations manuals, including flood control rule curves, based on the best available science, which may include—

(A) forecast-informed operations;

(B) new watershed data; and

(C) if applicable, in the case of non-Federal projects, structural improvements.

(2) CONSULTATION.—In implementing a pilot project under this subsection, the Secretary shall consult with all affected interests, including—

(A) non-Federal entities responsible for operations and maintenance costs of a Federal facility;

(B) individuals and entities with storage entitlements; and

(C) local agencies with flood control responsibilities downstream of a facility.

(e) COORDINATION WITH NON-FEDERAL PROJECT ENTITIES.—If a project identified under subsection (c) is—

(1) a non-Federal project, the Secretary, prior to carrying out an activity under this section, shall—

(A) consult with the non-Federal project owner; and

(B) enter into a cooperative agreement, memorandum of understanding, or other agreement with the non-Federal project owner describing the scope and goals of the activity and the coordination among the parties; and

(2) a Federal project, the Secretary, prior to carrying out an activity under this section, shall—

(A) consult with each Federal and non-Federal entity (including a municipal water district, irrigation district, joint powers authority, transferred works operating entity, or other local governmental entity) that currently—

(i) manages (in whole or in part) a Federal dam or reservoir; or

(ii) is responsible for operations and maintenance costs; and

(B) enter into a cooperative agreement, memorandum of understanding, or other agreement with each such entity describing the scope and goals of the activity and the coordination among the parties.

(f) CONSIDERATION.—In designing and implementing a forecast-informed reservoir operations plan, the Secretary may consider—

(1) the relationship between ocean and atmospheric conditions, including—

(A) the El Niño and La Niña cycles; and

(B) the potential for above-normal, normal, and below-normal rainfall for the coming water year, including consideration of atmospheric river forecasts;

(2) the precipitation and runoff index specific to the basin and watershed of the relevant dam or reservoir, including incorporating knowledge of hydrological and meteorological conditions that influence the timing and quantity of runoff;

(3) improved hydrologic forecasting for precipitation, snowpack, and soil moisture conditions;

(4) an adjustment of operational flood control rule curves to optimize water supply storage and reliability, hydropower production, environmental benefits for flows and temperature, and other authorized project benefits, without a reduction in flood safety; and

(5) proactive management in response to changes in forecasts.

(g) FUNDING.—The Secretary may accept and expend amounts from non-Federal entities to fund all or a portion of the cost of carrying out a review or revision of operational documents, including water control plans, water control manuals, water control diagrams, release schedules, rule curves, operational agreements with non-Federal entities, and any associated environmental documentation for—

(1) a Corps of Engineers project;

(2) a non-Federal project regulated for flood control by the Secretary; or

(3) a Bureau of Reclamation transferred works regulated for flood control by the Secretary.

(h) EFFECT.—

(1) MANUAL REVISIONS.—A revision of a manual shall not interfere with the authorized purposes of a Federal project or the existing purposes of a non-Federal project regulated for flood control by the Secretary.

(2) EFFECT OF SECTION.—

(A) Nothing in this section authorizes the Secretary to carry out, at a Federal dam or reservoir, any project or activity for a purpose not otherwise authorized as of the date of enactment of this Act.

(B) Nothing in this section affects or modifies any obligation of the Secretary under State law.

(3) BUREAU OF RECLAMATION RESERVED WORKS EXCLUDED.—This section—

(A) shall not apply to any dam or reservoir operated by the Bureau of Reclamation as a reserved work, unless all non-Federal project sponsors of a reserved work jointly provide to the Secretary a written request for application of this section to the project; and

(B) shall apply only to Bureau of Reclamation transferred works at the written request of the transferred works operating entity.

(i) MODIFICATIONS TO MANUALS AND CURVES.—Not later than 180 days after the date of completion of a modification to an operations manual or flood control rule curve, the Secretary shall submit to Congress a report regarding the components of the forecast-based reservoir operations plan incorporated into the change.

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**SA 3058.** Mr. BLUNT (for himself, Mr. INHOFE, and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE ____—SOCIAL COST OF CARBON**

**SEC. ___01. FINDINGS.**

Congress finds that—

(1) the social cost of carbon is an estimate, used by Federal agencies in regulatory impact analyses, of damage caused by a 1-metric-ton increase in carbon dioxide emissions;

(2) between January 2008 and November 2015, various Federal agencies have cited the

social cost of carbon in 125 different proposed rules, final rules, and other actions;

(3) between January 2008 and November 2015, by citing the social cost of carbon in 73 different proposed rules, final rules, and other actions, the Department has cited the social cost of carbon more than any other Federal agency;

(4) the social cost of carbon estimate was developed in a closed interagency working group without notice or public participation;

(5) the Administrator of the Office of Information and Regulatory Affairs agreed to public comment on the social cost of carbon estimate in 2013, only after written requests from Congress and the public; and

(6) the National Academy of Sciences recommended that the interagency working group that developed the social cost of carbon estimate increase transparency on the ways in which the social cost of carbon estimate is used in the formulation of regulations.

**SEC. ____02. SUBMISSION OF RESULTS OF MODELING.**

(a) IN GENERAL.—Not later than 60 days after date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this section as the ''Director'') shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, at a minimum, the results of modeling that examines and determines the social cost carbon using the guidelines and discount rates described in Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review) so as to conform with the base case analysis recommendations in Office of Management and Budget Circulars A-4 (as in effect on September 17, 2003) and A-94.

(b) ADDITIONAL INFORMATION.—The Director may include in the submission described in subsection (a) such other information as the Director considers to be appropriate.

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**SA 3059.** Mr. BOOZMAN (for himself and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

**SEC. 23_____. REPEAL OF THIRD-PARTY FINANCE PROVISIONS.**

Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is repealed.

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**SA 3060.** Mr. BOOZMAN (for himself, Mr. COTTON, Mr. BLUNT, and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

**SEC. 23_____. PROHIBITION ON EMINENT DOMAIN FOR CERTAIN PROJECTS.**

Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended—

(1) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively; and

(2) by inserting after subsection (c) the following:

''(d) PROHIBITION ON EMINENT DOMAIN.—Notwithstanding any other provision of law (including regulations), the Secretary, SWPA, and WAPA may not carry out any Project under this section through the use of eminent domain, unless the use of eminent domain is explicitly authorized by—

''(1) the Governor and the head of each applicable public utility commission, public service commission, or other equivalent State agency exercising jurisdiction over electric transmission lines of the affected State; and

''(2) the head of the governing body of each Indian tribe the land of which would be affected.

''(e) SITING REQUIREMENT.—To the maximum extent practicable, a Project carried out under this section shall be sited on—

''(1) an existing Federal right-of-way; or

''(2) Federal land managed by—

''(A) the Bureau of Land Management;

''(B) the Forest Service;

''(C) the Bureau of Reclamation; or

''(D) the Corps of Engineers.''.

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**SA 3061.** Mrs. CAPITO (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. EXTENSION OF COMPLIANCE DATES.**

(a) DEFINITIONS.—In this section:

(1) COMPLIANCE DATE.—

(A) IN GENERAL.—The term ''compliance date'' means, with respect to any requirement of a final rule, the date by which any State, local, or tribal government or other person is first required to comply with the requirement.

(B) INCLUSION.—The term ''compliance date'' includes the date by which State plans are required to be submitted to the Administrator of the Environmental Protection Agency under any final rule.

(2) FINAL RULE.—

(A) IN GENERAL.—The term ''final rule'' means any proposed or final rule to address carbon dioxide emissions from existing sources that are fossil fuel-fired electric utility generating units under section 111 of the Clean Air Act (42 U.S.C. 7411).

(B) INCLUSIONS.—The term ''final rule'' includes—

(i) the rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015)); or

(ii) any final rule that succeeds—

(I) the proposed rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (79 Fed. Reg. 34830 (June 18, 2014)); or

(II) the supplemental proposed rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: EGUs in Indian Country and U.S. Territories; Multi-Jurisdictional Partnerships'' (79 Fed. Reg. 65482 (November 4, 2014)).

(b) EXTENSIONS.—Each compliance date of any final rule is deemed to be extended by the time period equal to the time period described in subsection (c).

(c) PERIOD DESCRIBED.—The time period described in this subsection is the period of days that—

(1) begins on the date that is 60 days after the day on which notice of promulgation of a final rule appears in the Federal Register; and

(2) ends on the date on which judgement becomes final, and no longer subject to further appeal or review, in all actions (including any action filed pursuant to section 307 of the Clean Air Act (42 U.S.C. 7607)) that—

(A) are filed during the 60 days described in paragraph (1); and

(B) seek review of any aspect of the final rule.

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**SA 3062.** Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. __002. DEFINITIONS.**

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BEST AVAILABLE CONTROL TECHNOLOGY.—The term ''best available control technology'' has the meaning given the term in section 169 of the Clean Air Act (42 U.S.C. 7479).

(3) LOWEST ACHIEVABLE EMISSION RATE.—The term ''lowest achievable emission rate'' has the meaning given the term in section 171 of the Clean Air Act (42 U.S.C. 7501).

(4) MAJOR EMITTING FACILITY; MAJOR STATIONARY SOURCE.—The terms ''major emitting facility'' and ''major stationary source'' have the meaning given those terms in section 302 of the Clean Air Act (42 U.S.C. 7602).

(5) NATIONAL AMBIENT AIR QUALITY STANDARD.—The term ''national ambient air quality standard'' means a national ambient air quality standard for an air pollutant under section 109 of the Clean Air Act (42 U.S.C. 7409) that is finalized on or after the date of enactment of this Act.

(6) PRECONSTRUCTION PERMIT.—

(A) IN GENERAL.—The term ''preconstruction permit'' means a permit that is required under part C or D of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) for the construction or modification of a major emitting facility or major stationary source.

(B) INCLUSIONS.—The term ''preconstruction permit'' includes any permit described in subparagraph (A) that is issued by—

(i) the Environmental Protection Agency; or

(ii) a State, local, or tribal permitting authority.

(7) RACT/BACT/LAER CLEARINGHOUSE DATABASE.—The term ''RACT/BACT/LAER Clearinghouse database'' means the central database of air pollution technology information that is posted on the Internet website of the Environmental Protection Agency.

**SEC. __003. BUILDING AND MANUFACTURING PROJECTS DASHBOARD.**

(a) IN GENERAL.—For fiscal year 2008 and each fiscal year thereafter, the Administrator shall publish in a readily accessible location on the Internet website of the Environmental Protection Agency an estimate by the Administrator of, with respect to the applicable fiscal year—

(1) the total number of preconstruction permits issued by the Environmental Protection Agency;

(2) the percentage of those preconstruction permits issued by the date that is 1 year after the date of filing of completed applications for the permits; and

(3) the average length of time required for the Environmental Appeals Board of the Environmental Protection Agency to issue a final decision regarding petitions appealing

decisions to grant or deny a preconstruction permit application.

(b) INITIAL PUBLICATION; UPDATES.—The Administrator shall—

(1) make the publication required by subsection (a) for fiscal years 2008 through 2014 by not later than 60 days after the date of enactment of this Act; and

(2) update that publication not less frequently than annually.

(c) SOURCES OF INFORMATION.—

(1) FISCAL YEARS 2008 THROUGH 2014.—In carrying out this section with respect to the information required to be published for fiscal years 2008 through 2014, the estimates of the Administrator shall be based on information in the possession of the Administrator as of the date of enactment of this Act, including information in the RACT/BACT/LAER Clearinghouse database.

(2) NO REQUIREMENT TO COLLECT ADDITIONAL INFORMATION.—Nothing in this section requires the Administrator to seek or collect any information in addition to the information that is voluntarily provided by States and local air agencies for the RACT/BACT/LAER Clearinghouse database with respect to the information required to be published under this section for any fiscal year.

**SEC. __004. TIMELY ISSUANCE OF REGULATIONS AND GUIDANCE TO ADDRESS NEW OR REVISED NATIONAL AMBIENT AIR QUALITY STANDARDS IN PRECONSTRUCTION PERMITTING.**

(a) PROPOSED REGULATIONS.—In publishing any final rule establishing or revising a national ambient air quality standard, the Administrator shall, as the Administrator determines to be necessary and appropriate to assist States, permitting authorities, and permit applicants, concurrently publish proposed regulations and guidance for implementing the standard, including information relating to submission and consideration of a preconstruction permit application under the new or revised standard.

(b) APPLICABILITY OF STANDARD TO PRECONSTRUCTION PERMITTING.—A new or revised national ambient air quality standard shall not apply to the review and disposition of a preconstruction permit application until the Administrator publishes final implementation regulations and guidance that include information relating to submission and consideration of a preconstruction permit application under the standard.

(c) EFFECT OF SECTION.—

(1) IN GENERAL.—After publishing regulations and guidance for implementing national ambient air quality standards under subsection (a), nothing in this section precludes the Administrator from issuing subsequent regulations or guidance to assist States and facilities in implementing those standards.

(2) REQUIREMENTS OF APPLICANTS.—Nothing in this section eliminates the obligation of a preconstruction permit applicant to install best available control technology and lowest achievable emission rate technology, as applicable.

(3) STATE, LOCAL, AND TRIBAL AUTHORITY.—Nothing in this section limits the authority of a State, local, or tribal permitting authority to impose emission requirements pursuant to State, local, or tribal law that are more stringent than the applicable Federal national ambient air quality standards established by the Environmental Protection Agency.

**SEC. __005. REPORT TO CONGRESS REGARDING ACTIONS TO EXPEDITE REVIEW OF PRECONSTRUCTION PERMITS.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to Congress a report that, with respect to the period covered by the report—

(1) identifies the activities carried out by the Environmental Protection Agency to increase the efficiency of the preconstruction permitting process;

(2) identifies the specific reasons for delays in issuing—

(A) preconstruction permits required under part C of the Clean Air Act (42 U.S.C. 7470 et seq.) beyond the 1-year deadline mandated by section 165(c) of that Act (42 U.S.C. 7475(c)); or

(B) preconstruction permits required under part D of the Clean Air Act (42 U.S.C. 7501 et seq.) beyond the 1-year period beginning on the date on which the permit application is determined to be complete;

(3) describes the means by which the Administrator is resolving—

(A) delays in making completeness determinations for preconstruction permit applications; and

(B) processing delays for preconstruction permits, including any increases in communication with State and local permitting authorities; and

(4) summarizes and responds to public comments received under subsection (b) concerning the report.

(b) PUBLIC COMMENT.—Before submitting a report required by subsection (a), the Administrator shall—

(1) publish on the Internet website of the Environmental Protection Agency a draft of the report; and

(2) provide to the public a period of not less than 30 days to submit comments regarding the draft report.

(c) SOURCES OF INFORMATION.—Nothing in this section compels the Environmental Protection Agency to seek or collect any information in addition to the information that is voluntarily provided by States and local air agencies for the RACT/BACT/LAER Clearinghouse database.

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**SA 3063.** Mrs. CAPITO (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 310___. ETHANE STORAGE STUDY.**

(a) IN GENERAL.—The Secretary and the Secretary of Commerce, in consultation with other relevant Federal departments and agencies and stakeholders, shall conduct a study of the feasibility of establishing an ethane storage and distribution hub in the Marcellus, Utica, and Rogersville shale plays in the United States.

(b) CONTENTS.—The study conducted under subsection (a) shall include—

(1) an examination of, with respect to the proposed ethane storage and distribution hub—

(A) potential locations;

(B) economic feasibility;

(C) economic benefits;

(D) geological storage capacity capabilities;

(E) above-ground storage capabilities;

(F) infrastructure needs; and

(G) other markets and trading hubs, particularly hubs relating to ethane; and

(2) the identification of potential additional benefits of the proposed hub to energy security.

(c) PUBLICATION OF RESULTS.—Not later than 2 years after the date of enactment of this Act, the Secretary and the Secretary of Commerce shall—

(1) submit to the Committee on Energy and Commerce of the House of Representatives and the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate a report describing the results of the study under subsection (a); and

(2) publish those results on the Internet websites of the Departments of Energy and Commerce, respectively.

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**SA 3064.** Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 3602(d)(1)(B), after ''State'' insert the following: ''(as defined in 202 of the Energy Conservation and Production Act (42 U.S.C. 6802)) (referred to in this section as the 'State')''.

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**SA 3065.** Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 3602(d), strike paragraph (3) and insert the following:

(3) work with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), tribal organizations (as defined in section 3765 of title 38, United States Code), and Native American veterans (as defined in section 3765 of title 38, United States Code);

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**SA 3066.** Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 3602(d), strike paragraph (2) and insert the following:

(2) work with the Secretary of Defense and the Secretary of Veterans Affairs or veteran service organizations recognized by the Secretary of Veterans Affairs under section 5902 of title 38, United States Code, to transition members of the Armed Forces and veterans to careers in the energy sector;

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**SA 3067.** Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

At the end of subtitle H of title IV, add the following:

**SEC. 47___. MODERNIZATION OF TERMS RELATING TO MINORITIES.**

(a) OFFICE OF MINORITY ECONOMIC IMPACT.—Section 211(f)(1) of the Department of Energy Organization Act (42 U.S.C. 7141(f)(1)) is amended by striking ''a Negro, Puerto Rican, American Indian, Eskimo, Oriental, or Aleut or is a Spanish speaking individual of Spanish descent'' and inserting ''Asian American, Native Hawaiian, a Pacific Islander, African-American, Hispanic, Puerto Rican, Native American, or an Alaska Native''.

(b) MINORITY BUSINESS ENTERPRISES.—Section 106(f)(2) of the Local Public Works Capital Development and Investment Act of 1976

(42 U.S.C. 6705(f)(2)) is amended in the third sentence by striking ''Negroes, Spanish-speaking, Orientals, Indians, Eskimos, and Aleuts'' and inserting ''Asian American, Native Hawaiian, Pacific Islanders, African-American, Hispanic, Native American, or Alaska ≫Natives''.

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**SA 3068.** Ms. HIRONO (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

**SEC. 1022. CONTRACTS FOR FEDERAL PURCHASES OF ENERGY.**

Part 3 of title V of the National Energy Conservation Policy Act is amended by adding after section 553 (42 U.S.C. 8259b) the following:

**''SEC. 554. LONG-TERM CONTRACTS FOR ENERGY.**

''(a) IN GENERAL.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract for the acquisition of renewable energy or energy from cogeneration facilities for the Federal Government may be made for a period not to exceed 30 years.

''(b) STANDARDIZED ENERGY PURCHASE AGREEMENT.—Not later than 90 days after the date of enactment of this section, the Secretary, acting through the Federal Energy Management Program, shall publish a standardized energy purchase agreement setting forth commercial terms and conditions that agencies may use to acquire renewable energy or energy from cogeneration facilities.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to assist agencies in implementing this section.''.

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**SA 3069.** Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IV, add the following:

**SEC. 42___. RESTORATION OF LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.**

(a) FINDINGS.—Congress finds that—

(1) laboratory directed research and development (referred to in this subsection as ''LDRD'') is an investment for the future;

(2) the purposes of LDRD are—

(A) to recruit, to develop, and to retain a creative workforce for a laboratory; and

(B) to produce innovative ideas that are vital to the ability of a laboratory to produce the best scientific work in accordance with the mission of the laboratory;

(3) LDRD has a long history of support and accomplishment since 1954, when Congress first authorized LDRD in the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

(4) formal requirements, external review, and oversight by the Secretary with respect to LDRD projects ensure that LDRD projects—

(A) are selected competitively; and

(B) explore innovative and new areas of research that are not covered by existing research programs;

(5) LDRD is a resource to support cutting-edge exploratory research prior to the identification and development of a research program by the Department or a strategic partner of the Department;

(6) LDRD projects in the same topic area may be funded at various laboratories to explore potential paths for a program in that topic area;

(7) LDRD projects provide valuable insights for peer-review strategic assessments conducted by the Department in the program planning process;

(8) LDRD is an important recruitment and retention tool for the National Laboratories;

(9) the recruitment and retention tool that LDRD provides is especially crucial for the laboratories operated by the National Nuclear Security Administration, which must attract new staff to the laboratories in order to maintain a highly trained workforce to support the missions of the National Nuclear Security Administration with respect to nuclear weapons and national security; and

(10) the October 28, 2015, Final Report of the Commission to Review the Effectiveness of the National Energy Laboratories—

(A) strongly endorsed LDRD programs both now and into the future; and

(B) supported restoration of the cap on LDRD to 6 percent unburdened or the equivalent of 6 percent unburdened.

(b) GENERAL AND ADMINISTRATIVE OVERHEAD FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—The Secretary shall ensure that laboratory operating contractors do not allocate costs of general and administrative overhead to laboratory directed research and development.

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**SA 3070.** Mr. MORAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IV, add the following:

**SEC. 44_____. EQUUS BEDS DIVISION EXTENSION.**

Section 10(h) of Public Law 86–787 (74 Stat. 1026; 120 Stat. 1474) is amended by striking ''10 years'' and inserting ''20 years''.

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**SA 3071.** Mr. MORAN (for himself, Mr. COONS, Mr. GARDNER, Ms. STABENOW, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. EXTENSION OF PUBLICLY TRADED PARTNERSHIP OWNERSHIP STRUCTURE TO ENERGY POWER GENERATION PROJECTS, TRANSPORTATION FUELS, AND RELATED ENERGY ACTIVITIES.**

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''income and gains derived from the exploration'' and inserting ''income and gains derived from the following:

''(i) MINERALS, NATURAL RESOURCES, ETC.—The exploration'',

(2) by inserting ''or'' before ''industrial source'',

(3) by inserting a period after ''carbon dioxide'', and

(4) by striking '', or the transportation or storage'' and all that follows and inserting the following:

''(ii) RENEWABLE ENERGY.—The generation of electric power (including the leasing of tangible personal property used for such generation) exclusively utilizing any resource described in section 45(c)(1) or energy property described in section 48 (determined without regard to any termination date), or in the case of a facility described in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is required to begin), the accepting or processing of such resource.

''(iii) ELECTRICITY STORAGE DEVICES.—The receipt and sale of electric power that has been stored in a device directly connected to the grid.

''(iv) COMBINED HEAT AND POWER.—The generation, storage, or distribution of thermal energy exclusively utilizing property described in section 48(c)(3) (determined without regard to subparagraphs (B) and (D) thereof and without regard to any placed in service date).

''(v) RENEWABLE THERMAL ENERGY.—The generation, storage, or distribution of thermal energy exclusively using any resource described in section 45(c)(1) or energy property described in clause (i) or (iii) of section 48(a)(3)(A).

''(vi) WASTE HEAT TO POWER.—The use of recoverable waste energy, as defined in section 371(5) of the Energy Policy and Conservation Act (42 U.S.C. 6341(5)) (as in effect on the date of the enactment of the Energy Policy Modernization Act of 2015).

''(vii) RENEWABLE FUEL INFRASTRUCTURE.—The storage or transportation of any fuel described in subsection (b), (c), (d), or (e) of section 6426.

''(viii) RENEWABLE FUELS.—The production, storage, or transportation of any renewable fuel described in section 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J)) (as in effect on the date of the enactment of the Energy Policy Modernization Act of 2015) or section 40A(d)(1).

''(ix) RENEWABLE CHEMICALS.—The production, storage, or transportation of any qualifying renewable chemical (as defined in paragraph (6)).

''(x) ENERGY EFFICIENT BUILDINGS.—The audit and installation through contract or other agreement of any energy efficient building property described in section 179D(c)(1).

''(xi) GASIFICATION WITH SEQUESTRATION.—The production of any product or the generation of electric power from a project that meets the requirements of subparagraphs (A) and (B) of section 48B(c)(1) and that separates and sequesters in secure geological storage (as determined under section 45Q(d)(2)) at least 75 percent of such project's total qualified carbon dioxide (as defined in section 45Q(b)).

''(xii) CARBON CAPTURE AND SEQUESTRATION.—

''(I) POWER GENERATION FACILITIES.—The generation or storage of electric power (including associated income from the sale or marketing of energy, capacity, resource adequacy, and ancillary services) produced from any power generation facility which is, or from any power generation unit within, a qualified facility described in section 45Q(c) which—

''(aa) in the case of a power generation facility or power generation unit placed in service after January 8, 2013, captures 50 percent or more of the qualified carbon dioxide (as defined in section 45Q(b)) of such facility and disposes of such captured qualified carbon dioxide in secure geological storage (as determined under section 45Q(d)(2)), and

''(bb) in the case of a power generation facility or power generation unit placed in service before January 9, 2013, captures 30

percent or more of the qualified carbon dioxide (as defined in section 45Q(b)) of such facility and disposes of such captured qualified carbon dioxide in secure geological storage (as determined under section 45Q(d)(2)).

''(II) OTHER FACILITIES.—The sale of any good or service from any facility (other than a power generation facility) which is a qualified facility described in section 45Q(c) and the captured qualified carbon dioxide (as so defined) of which is disposed of in secure geological storage (as determined under section 45Q(d)(2)).''.

(b) RENEWABLE CHEMICAL.—

(1) IN GENERAL.—Section 7704(d) of such Code is amended by adding at the end the following new paragraph:

''(6) QUALIFYING RENEWABLE CHEMICAL.—

''(A) IN GENERAL.—The term 'qualifying renewable chemical' means any renewable chemical (as defined in section 9001 of the Agriculture Act of 2014)—

''(i) which is produced by the taxpayer in the United States or in a territory or possession of the United States,

''(ii) which is the product of, or reliant upon, biological conversion, thermal conversion, or a combination of biological and thermal conversion, of renewable biomass (as defined in section 9001(13) of the Farm Security and Rural Investment Act of 2002),

''(iii) the biobased content of which is 95 percent or higher,

''(iv) which is sold or used by the taxpayer—

''(I) for the production of chemical products, polymers, plastics, or formulated products, or

''(II) as chemicals, polymers, plastics, or formulated products,

''(v) which is not sold or used for the production of any food, feed, or fuel, and

''(vi) which is—

''(I) acetic acid, acrylic acid, acyl glutamate, adipic acid, algae oils, algae sugars, 1,4-butanediol (BDO), iso-butanol, n-butanol, C10 and higher hydrocarbons produced from olefin metathesis, carboxylic acids produced from olefin metathesis, cellulosic sugar, diethyl methylene malonate, dodecanedioic acid (DDDA), esters produced from olefin metathesis, ethyl acetate, ethylene glycol, farnesene, 2,5-furandicarboxylic acid, gamma-butyrolactone, glucaric acid, hexamethylenediamine (HMD), 3-hydroxy propionic acid, isoprene, itaconic acid, levulinic acid, polyhydroxyalkonate (PHA), polylactic acid (PLA), polyethylene furanoate (PEF), polyethylene terephthalate (PET), polyitaconic acid, polyols from vegetable oils, poly(xylitan levulinate ketal), 1,3-propanediol, 1,2-propanediol, rhamnolipids, succinic acid, terephthalic acid, or *p*-Xylene, or

''(II) any chemical not described in clause (i) which is a chemical listed by the Secretary for purposes of this paragraph.

''(B) BIOBASED CONTENT.—For purposes of subparagraph (A)(iii), the term 'biobased content percentage' means, with respect to any renewable chemical, the biobased content of such chemical (expressed as a percentage) determined by testing representative samples using the American Society for Testing and Materials (ASTM) D6866.''.

(2) LIST OF OTHER QUALIFYING RENEWABLE CHEMICALS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury (or the Secretary's delegate), in consultation with the Secretary of Agriculture, shall establish a program to consider applications from taxpayers for the listing of chemicals under section 7874(d)(6)(A)(vi)(II) (as added by paragraph (1)).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

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**SA 3072.** Mr. DONNELLY (for himself, Mr. GRASSLEY, Mrs. FISCHER, Mr. THUNE, Mrs. MCCASKILL, Ms. BALDWIN, Mr. KIRK, Ms. HEITKAMP, Ms. KLOBUCHAR, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. ETHANOL WAIVER.**

Section 211(h)(4) of the Clean Air Act (42 U.S.C. 7545(h)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''or more'' after ''10 percent''; and

(2) in subparagraph (C), by striking ''additional alcohol or''.

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**SA 3073.** Mr. KING (for himself, Ms. STABENOW, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 22_____. LIMITATION ON AUTHORITY OF SECRETARY OF ENERGY TO APPROVE CERTAIN LNG TERMINAL PROPOSALS.**

(a) IN GENERAL.—Section 3(e) of the Natural Gas Act (15 U.S.C. 717b(e)) is amended by adding at the end the following:

''(5) AUTHORITY OF SECRETARY OF ENERGY OVER CERTAIN PROPOSALS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ADDITIONAL EXPORT PROPOSAL.—The term 'additional export proposal' means any proposal submitted to the Secretary by a new or existing LNG terminal—

''(I) to initiate the export of natural gas to a foreign country, with respect to a LNG terminal that does not so export natural gas as of the date of submission of the proposal; or

''(II) to increase the quantity of natural gas exported to a foreign country by the LNG terminal, with respect to a LNG terminal that exports natural gas as of the date of submission of the proposal.

''(ii) FOREIGN COUNTRY.—The term 'foreign country' means a nation in which there is not in effect a free trade agreement requiring national treatment for trade in natural gas.

''(iii) SECRETARY.—The term 'Secretary' means the Secretary of Energy, acting pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)).

''(B) LIMITATION.—

''(i) IN GENERAL.—Notwithstanding part 590 of title 10, Code of Federal Regulations (or successor regulations), or any other provision of law (including regulations), the Secretary may not take into consideration or approve any additional export proposal if approving the additional export proposal would raise the total quantity of natural gas cumulatively approved for export to foreign countries from United States facilities above a level included in a study conducted under clause (ii).

''(ii) STUDY.—The Secretary shall conduct an economic impact study that includes an analysis of the impact of exporting natural gas on—

''(I) domestic natural gas prices;

''(II) regional domestic natural gas prices;

''(III) natural gas prices for domestic consumers, manufacturers, and other industries; and

''(IV) the global economic competitiveness of domestic manufacturers and other domestic industries.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to any export proposal that received final approval from the Secretary before or on the date of enactment of this Act.

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**SA 3074.** Mr. BLUNT (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE ____—WITHDRAWAL OF CLEAN POWER PLAN**

**SEC. ____01. FINDINGS.**

Congress finds that—

(1) on October 23, 2015, the Administrator of the Environmental Protection Agency (referred to in this title as the ''Administrator'') published in the Federal Register rules that are inextricably linked and collectively known as the ''Clean Power Plan'', including—

(A) the final rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015));

(B) the final rule entitled ''Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64510 (October 23, 2015)); and

(C) the proposed rule entitled ''Federal Plan Requirements for Greenhouse Gas Emissions from Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations'' (80 Fed. Reg. 64966 (October 23, 2015)); and

(2) the final rules described in subparagraphs (A) and (B) of paragraph (1)—

(A) materially depart from the proposed versions of those final rules and are not logical outgrowths of the proposed versions; and

(B) are legally deficient because the Administrator did not allow for adequate notice and opportunity for comment on the proposed rules that preceded those final rules.

**SEC. ____02. WITHDRAWAL OF CLEAN POWER PLAN.**

The Administrator shall—

(1) withdraw each of the rules described in section ____01(1); and

(2) reissue any of those rules only as a new proposed rule with a new notice and comment period.

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**SA 3075.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. REVIEW OF ECONOMIC IMPACT OF BSEE RULE ON SMALL ENTITIES.**

(a) DEFINITIONS.—In this section—

(1) the term ''BSEE'' means the Bureau of Safety and Environmental Enforcement;

(2) the term ''Chief Counsel'' means the Chief Counsel for Advocacy of the Small Business Administration;

(3) the term ''covered proposed rule'' means the proposed rule of the BSEE entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Blowout Preventer Systems and Well Control'' (80 Fed. Reg. 21504 (April 17, 2015)); and

(4) the term ''small entity'' has the meaning given the term in section 601 of title 5, United States Code.

(b) REQUIREMENT TO CONDUCT REVIEW.—

(1) IN GENERAL.—If the BSEE issues a final rule for the covered proposed rule, then not later than 1 year after the effective date of the final rule the BSEE, in consultation with the Chief Counsel, shall complete a review of the final rule under section 610 of title 5, United States Code.

(2) ASSESSMENT OF ECONOMIC IMPACT.—In conducting the review required under paragraph (1), the BSEE, in consultation with the Chief Counsel, shall assess the economic impact of the final rule on small entities in the oil and gas supply chain.

(3) REPORT.—Not later than 180 days after the date on which the review is completed under this subsection, the BSEE, in consultation with the Chief Counsel, shall submit to Congress a report on the findings of the review.

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**SA 3076.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. GROUND-LEVEL OZONE STANDARDS.**

Notwithstanding any other provision of law (including regulations), in promulgating a national primary or secondary ambient air quality standard for ozone, the Administrator of the Environmental Protection Agency shall only consider all or part of a county to be a nonattainment area under the standard on the basis of direct air quality monitoring.

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**SA 3077.** Mr. ROBERTS (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 4501 through 4503.

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**SA 3078.** Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3017.

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**SA 3079.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. WAIVER OF JONES ACT REQUIREMENTS FOR OIL AND GASOLINE TANKERS.**

(a) IN GENERAL.—Section 12112 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''A coastwise'' and inserting ''Except as provided in subsection (b), a coastwise'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) WAIVER FOR OIL AND GASOLINE TANKERS.—The requirements of subsection (a) shall not apply to an oil or gasoline tanker vessel and a coastwise endorsement may be issued for any such tanker vessel that otherwise qualifies under the laws of the United States to engage in the coastwise trade.''.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Commandant of the United States Coast Guard shall issue regulations to implement the amendments made by subsection (a). Such regulations shall require that an oil or gasoline tanker vessel permitted to engaged in the coastwise trade pursuant to subsection (b) of section 12112 of title 46, United States Code, as amended by subsection (a), meets all appropriate safety and security requirements.

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**SA 3080.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. ARTIFICIAL REEF PROMOTION ACT OF 2016.**

(a) SHORT TITLE.—This section may be cited as the ''Artificial Reef Promotion Act of 2016''.

(b) PERMITS FOR CONSTRUCTION AND MANAGEMENT OF ARTIFICIAL REEFS.—Section 205 of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2104) is amended—

(1) by redesignating subsections (b) through (e) as subsections (d) through (g), respectively; and

(2) by striking subsection (a) and inserting the following:

''(a) ACTION ON PERMITS.—

''(1) IN GENERAL.—In issuing a permit for an artificial reef under section 10 of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved March 3, 1899 (commonly known as the 'Rivers and Harbors Appropriation Act of 1899') (33 U.S.C. 403), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), or section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(e)), the Secretary shall—

''(A) consult with and consider the views of appropriate Federal agencies, States, local governments, and other interested parties;

''(B) ensure that the provisions for siting, constructing, monitoring, and managing the artificial reef are consistent with the criteria and standards established under this Act;

''(C) ensure that the title to the artificial reef construction material is unambiguous, and that responsibility for maintenance and the financial ability to assume liability for future damages are clearly established;

''(D) ensure that a State assuming liability under subparagraph (C) has established an artificial reef maintenance fund; and

''(E) consider the plan developed under section 204 and notify the Secretary of Commerce of any need to deviate from that plan.

''(2) REGULATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Directors shall promulgate regulations that expedite the review of a final application such that a decision is rendered not later than 150 days after the date on which the application is submitted.

''(B) REGULATIONS PROMULGATED BY THE COMMANDING GENERAL.—Not later than 180 days after the date of enactment of the Artificial Reef Promotion Act of 2016, the Commanding General shall promulgate regulations that expedite the review of a final application by the Secretary such that a decision is rendered not later than 120 days after the date on which the application is submitted.

''(b) SITING.—

''(1) NUMBER.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Artificial Reef Promotion Act of 2016, the Commanding General shall, in consultation with the Directors and appropriate State agencies, designate not fewer than 20 artificial reef planning areas.

''(B) GULF STATES.—Of the artificial reef planning areas described in subparagraph (A)—

''(i) 6 shall be located outside the seaward boundary of the State of Texas;

''(ii) 6 shall be located outside the seaward boundary of the State of Louisiana;

''(iii) 3 shall be located outside the seaward boundaries of the State of Alabama and State of Mississippi; and

''(iv) 5 shall be located outside the seaward boundary of the State of Florida.

''(C) INCLUSIONS.—The sites described in subparagraph (A) include any artificial reef planning area existing on the day before the date of enactment of the Artificial Reef Promotion Act of 2016 if the boundaries and area of the site are modified to meet the requirements of this Act.

''(2) BOUNDARIES AND PROXIMITY TO SHORELINE.—

''(A) IN GENERAL.—The Directors shall, in consultation with the Commanding General and appropriate State agencies—

''(i) ensure that each artificial reef planning area described in paragraph (1)(A)—

''(I) is sited a reasonable proximity to the shoreline, as determined by the Directors; and

''(II) includes as many platforms as practical, as determined by the Directors; and

''(ii) determine the appropriate size and boundaries for each site.

''(B) MINIMUM AREA.—

''(i) IN GENERAL.—Each artificial reef planning area described in paragraph (1)(A) shall be not smaller than 12 contiguous lease blocks.

''(ii) APPLICATION.—Clause (i) shall apply to any artificial reef planning area existing before, on, or after the date of enactment of the Artificial Reef Promotion Act of 2016.

''(3) DISTANCE BETWEEN SITES.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Artificial Reef Promotion Act of 2016, the Director of the Bureau of Safety and Environmental Enforcement shall promulgate a regulation that regulates the distance between platforms used as artificial reefs.

''(B) MAXIMUM.—The distance contained in the regulation described in subparagraph (A) shall be not greater than 2 miles.

''(4) DEPTH.—

''(A) IN GENERAL.—Of the artificial reef planning areas described in paragraph (1)(A)—

''(i) not fewer than 10 shall be located at a water depth of—

''(I) not less than 100 feet; and

''(II) not greater than 200 feet; and

''(ii) not fewer than 10 shall be located at a water depth of greater than 200 feet.

''(B) SITES IN WATER DEPTH OF NOT GREATER THAN 100 FEET.—The Commanding General shall, in consultation with the Directors and appropriate State agencies, designate artificial reef planning areas, where practicable, at a water depth of not greater than 100 feet.

''(5) REQUIREMENTS FOR PERMITTEES.—

''(A) IN GENERAL.—A person to whom a permit is issued under subsection (a)(1) shall—

''(i) construct the artificial reef in an artificial reef site located in an artificial reef planning area described in paragraph (1)(A);

''(ii) comply with—

''(I) any regulation promulgated by the Director of the Bureau of Safety and Environmental Enforcement relating to reef planning;

''(II) the plan developed under section 204; and

''(III) any applicable plan developed by a State; and

''(iii) if the person owns platforms, not later than 180 days after the date on which the Commanding General designates the artificial reef planning areas under paragraph (1), submit to the Director of the Bureau of Safety and Environmental Enforcement and appropriate State agencies notice that identifies 20 percent of the platforms to be used as artificial reefs.

''(B) DONATED PLATFORMS.—

''(i) IN GENERAL.—A person described in subparagraph (A)(iii) shall include in a final application the artificial reef planning area and the artificial reef site in which the platforms described in subparagraph (A)(iii) will be located.

''(ii) DEPTH.—The area and site described in clause (i) shall be consistent with the depth requirements in paragraph (4).

''(iii) AREA OR SITE FILLED TO CAPACITY.—If the Director of the Bureau of Safety and Environmental Enforcement or appropriate State agency determines that the area or site chosen by the person under clause (i) is filled to capacity, the person shall choose a different area or site.

''(6) REGULATIONS.—

''(A) CAPACITY OF REEF SITES.—No regulation shall require that an artificial reef planning area described in paragraph (1)(A) be filled to capacity with platforms before another artificial reef planning area is established.

''(B) MINIMUM WATER DEPTH.—

''(i) IN GENERAL.—The Secretary shall, in consultation with the Secretary of the department in which the Coast Guard is operating, promulgate regulations for the minimum water depth required to cover an artificial reef.

''(ii) DEPTH NOT GREATER THAN 85 FEET.—If the minimum water depth described in clause (i) is not greater than 85 feet, the Secretary of the department in which the Coast Guard is operating shall—

''(I) evaluate each artificial reef site to ensure that the site is properly marked to reduce any navigational hazard;

''(II) not later than 30 days on which a final application is submitted, review the application to ensure that the artificial reef site will contain the markings described in subclause (I);

''(III) indicate on appropriate nautical charts the location of each artificial reef planning area and artificial reef site; and

''(IV) provide mariners with notice of the location of each artificial reef site in a manner that the Secretary of the department in which the Coast Guard is operating determines is appropriate.

''(7) REVIEW.—Not later than 3 years after the date of enactment of the Artificial Reef Promotion Act of 2016, the Director of the Bureau of Safety and Environmental Enforcement, shall review the artificial reef planning areas described in paragraph (1)(A) to determine the effectiveness of using decommissioned platforms as artificial reefs.

''(c) PREFERENCE GIVEN TO APPLICATIONS SEEKING TO USE DECOMMISSIONED PLATFORMS AS ARTIFICIAL REEFS.—The Regional Supervisor shall give preference to a final application.

''(d) REGULATIONS GOVERNING DECOMMISSIONED PLATFORMS.—Any regulation in effect on the date of enactment of the Artificial Reef Promotion Act of 2016 that governs the decommissioning or removal of a platform that is not being decommissioned for use as an artificial reef shall continue to govern the decommissioning or removal of the platform.''.

(c) DEFINITIONS.—Section 206 of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2105) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (11) and (12), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) ARTIFICIAL REEF.—The term 'artificial reef' means a structure that is constructed or placed in the Gulf of Mexico for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

''(3) ARTIFICIAL REEF PLANNING AREA.—The term 'artificial reef planning area' means a designated area within which artificial reef sites may be located when—

''(A) a person obtains all appropriate permits; and

''(B) each platform located in the artificial reef site is appropriately prepared.

''(4) ARTIFICIAL REEF SITE.—The term 'artificial reef site' means an area within an artificial reef planning area that has been cleared to have decommissioned platforms placed in the boundaries of the artificial reef planning area to be used as an artificial reef.

''(5) COMMANDING GENERAL.—The term 'Commanding General' means the Commanding General of the Corps of Engineers.

''(6) DECOMMISSIONING.—The term 'decommission' includes removing and moving a platform to an artificial reef site.

''(7) DIRECTORS.—The term 'Directors' means—

''(A) the Director of the Bureau of Safety and Environmental Enforcement; and

''(B) the Director of the Bureau of Ocean Energy Management.

''(8) FINAL APPLICATION.—The term 'final application' means a final application submitted to dispose of or remove a platform for use as an artificial reef under section 250.1727(g) of title 30, Code of Federal Regulations (or successor regulations).

''(9) PLATFORM.—The term 'platform' means an offshore oil and gas platform in the Gulf of Mexico.

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

(d) SAVINGS CLAUSES.—Section 208 of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2106) is amended by adding after subsection (b) the following:

''(c) MISCELLANEOUS.—Nothing in this Act shall—

''(1) hinder or invalidate—

''(A) the transfer of liability to the person to whom title of a platform is transferred when the platform is donated or becomes an artificial reef; and

''(B) any term or condition of any existing lease; and

''(2) require that—

''(A) a platform be left standing above the surface of the water; and

''(B) an owner of a platform notify any party, other than the Directors and the appropriate State agencies that coordinate with the Commanding General, of any plan to decommission a platform before abandonment operations commence.''.

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**SA 3081.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 5004. PAYMENTS IN LIEU OF TAXES.**

Section 6903 of title 31, United States Code, is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''A payment'' and inserting ''Except as provided in subsection (e), a payment''; and

(2) by adding at the end the following:

''(e) ALTERNATE PAYMENT.—

''(1) IN GENERAL.—A unit of general local government may opt out of the payment calculation that would otherwise apply under subsection (b)(1), by notifying the Secretary of the Interior, by the deadline established by the Secretary of the Interior, of the election of the unit of general local government to receive an alternate payment amount, as calculated in accordance with the formula established under paragraph (2).

''(2) FORMULA.—As soon as practicable after the date of enactment of this subsection, the Secretary of the Interior shall establish an alternate payment formula that is based on the estimated forgone property taxes, using a fair market valuation, due to the presence of Federal land within the unit of general local government.''.

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**SA 3082.** Mr. BARRASSO (for himself, Mr. ENZI, Mr. INHOFE, Mr. DAINES, Mr. BLUNT, Mr. GARDNER, Mr. HATCH, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 34___. CERTIFICATION PRIOR TO ROYALTY RATE INCREASE.**

Section 7 of the Mineral Leasing Act (30 U.S.C. 207) is amended by adding at the end the following:

''(d) CERTIFICATION PRIOR TO ROYALTY RATE INCREASE.—The Secretary of the Interior may not increase the royalty rate on coal under subsection (a) until the Secretary of the Interior, in consultation with the Secretary of Energy and the Federal Energy Regulatory Commission, certifies that the increased royalty rate would not—

''(1) contribute to higher electricity prices for consumers and businesses in the United States; and

''(2) adversely impact the reliability of the bulk-power system of the United States.''.

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**SA 3083.** Mr. BARRASSO (for himself, Mr. ENZI, Mr. INHOFE, Mr. DAINES, Mr. BLUNT, Mr. GARDNER, Mr. HATCH, and Mr. LEE) submitted an amendment intended to be proposed to amendment

SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 34___. EXPIRATION OF SECRETARIAL ORDER 3338.**

The Secretary of the Interior may not implement or enforce Secretarial Order 3338, issued by the Secretary of the Interior on January 15, 2016 (or a substantially similar order), after January 20, 2017.

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**SA 3084.** Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3703 (relating to eligible projects) and insert the following:

**SEC. 3703. ELIGIBLE PROJECTS.**

Sec 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended—

(1) in paragraph (1), by inserting ''(excluding the burning of commonly recycled paper that has been segregated from solid waste to generate electricity)'' after ''systems''; and

(2) by adding at the end the following:

''(11) Electric and advanced technology vehicle fleets.

''(12) Electricity storage technologies.''.

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**SA 3085.** Mr. WARNER (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VI—MISCELLANEOUS**

**SEC. 6001. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.**

(a) IN GENERAL.—The boundary of the Petersburg National Battlefield is modified to include the land and interests in land as generally depicted on the map titled ''Petersburg National Battlefield Boundary Expansion'', numbered 325/80,080, and dated June 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ACQUISITION OF PROPERTIES.—The Secretary of the Interior (referred to in this section as the ''Secretary'') is authorized to acquire the land and interests in land, described in subsection (a), from willing sellers only, by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) ADMINISTRATION.—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) IN GENERAL.—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1.170-acre parcel of land depicted as ''Area to be transferred to Fort Lee Military Reservation'' on the map described in paragraph (2); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1.171-acre parcel of land depicted as ''Area to be transferred to Petersburg National Battlefield'' on the map described in paragraph (2).

(2) MAP.—The land transferred is depicted on the map titled ''Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction'', numbered 325/80,801A, dated May 2011. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) CONDITIONS OF TRANSFER.—The transfer of administrative jurisdiction under paragraph (1) is subject to the following conditions:

(A) NO REIMBURSEMENT OR CONSIDERATION.—The transfer is without reimbursement or consideration.

(B) MANAGEMENT.—The land conveyed to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of that park in accordance with applicable laws and regulations.

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**SA 3086.** Mr. MURPHY (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IV, add the following:

**SEC. 44___. LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.**

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(213) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—Segments of the main stem and its tributary, Salmon Brook, totaling approximately 62 miles, to be administered by the Secretary of the Interior as follows:

''(A) The approximately 27.2-mile segment of the Farmington River beginning 0.2 miles below the tailrace of the Lower Collinsville Dam and extending to the site of the Spoonville Dam in Bloomfield and East Granby as a recreational river.

''(B) The approximately 8.1-mile segment of the Farmington River extending from 0.5 miles below the Rainbow Dam to the confluence with the Connecticut River in Windsor as a recreational river.

''(C) The approximately 2.4-mile segment of the main stem of Salmon Brook extending from the confluence of the East and West Branches to the confluence with the Farmington River as a recreational river.

''(D) The approximately 12.6-mile segment of the West Branch of Salmon Brook extending from its headwaters in Hartland, Connecticut to its confluence with the East Branch of Salmon Brook as a recreational river.

''(E) The approximately 11.4-mile segment of the East Branch of Salmon Brook extending from the Massachusetts-Connecticut State line to the confluence with the West Branch of Salmon Brook as a recreational river.''.

(b) MANAGEMENT.—

(1) IN GENERAL.—The river segments designated by subsection (a) shall be managed in accordance with the Lower Farmington River and Salmon Brook Management Plan, June 2011, prepared by the Lower Farmington River and Salmon Brook Wild and Scenic Study Committee (referred to in this section as the ''management plan'') and such amendments to the management plan as the Secretary of the Interior (referred to in this section as the ''Secretary'') determines are consistent with this subsection. The management plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COMMITTEE.—The Secretary shall coordinate the management responsibilities of the Secretary under this subsection with the Lower Farmington River and Salmon Brook Wild and Scenic Committee, as specified in the management plan.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—In order to provide for the long-term protection, preservation, and enhancement of the river segment designated by subsection (a), the Secretary is authorized to enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with—

(i) the State of Connecticut;

(ii) the towns of Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut; and

(iii) appropriate local planning and environmental organizations.

(B) CONSISTENCY.—All cooperative agreements provided for under this paragraph shall be consistent with the management plan and may include provisions for financial or other assistance from the United States.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—For the purposes of the segments designated by subsection (a), the zoning ordinances adopted by the towns in Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut, including provisions for conservation of floodplains, wetlands and watercourses associated with the segments, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) ACQUISITION OF LAND.—The provisions of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) that prohibit Federal acquisition of lands by condemnation shall apply to the segments designated by subsection (a). The authority of the Secretary to acquire lands for the purposes of the segments designated by subsection (a) shall be limited to acquisition by donation or acquisition with the consent of the owner of the lands, and shall be subject to the additional criteria set forth in the management plan.

(5) RAINBOW DAM.—The designation made by subsection (a) shall not be construed to—

(A) prohibit, pre-empt, or abridge the potential future licensing of the Rainbow Dam and Reservoir (including any and all aspects of its facilities, operations and transmission lines) by the Federal Energy Regulatory Commission as a federally licensed hydroelectric generation project under the Federal Power Act, provided that the Commission may, in the discretion of the Commission and consistent with this subsection, establish such reasonable terms and conditions in a hydropower license for Rainbow Dam as are necessary to reduce impacts identified by the Secretary as invading or unreasonably diminishing the scenic, recreational, and fish and wildlife values of the segments designated by subsection (a); or

(B) affect the operation of, or impose any flow or release requirements on, the unlicensed hydroelectric facility at Rainbow Dam and Reservoir.

(6) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Lower Farmington River shall not be administered as part of the National Park System

or be subject to regulations which govern the National Park System.

(c) FARMINGTON RIVER, CONNECTICUT, DESIGNATION REVISION.—Section 3(a)(156) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended in the first sentence—

(1) by striking ''14-mile'' and inserting ''15.1-mile''; and

(2) by striking ''to the downstream end of the New Hartford-Canton, Connecticut town line'' and inserting ''to the confluence with the Nepaug River''.

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**SA 3087.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2201 (relating to action on applications to export liquefied natural gas).

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**SA 3088.** Ms. KLOBUCHAR (for herself, Mr. SCHUMER, Mr. CASEY, Mr. BLUMENTHAL, Mr. MENENDEZ, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 427, after line 4, add the following:

**TITLE VI—CARBON MONOXIDE POISONING PREVENTION**

**SEC. 6001. SHORT TITLE.**

This title may be cited as the ''Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2015''.

**SEC. 6002. FINDINGS AND SENSE OF CONGRESS.**

(a) FINDINGS.—Congress finds the following:

(1) Carbon monoxide is a colorless, odorless gas produced by burning any fuel. Exposure to unhealthy levels of carbon monoxide can lead to carbon monoxide poisoning, a serious health condition that could result in death.

(2) Unintentional carbon monoxide poisoning from motor vehicles and improper operation of fuel-burning appliances, such as furnaces, water heaters, portable generators, and stoves, kills more than 400 people each year and sends approximately 15,000 to hospital emergency rooms for treatment.

(3) Research shows that installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should promote the installation of carbon monoxide alarms in residential homes and dwelling units nationwide in order to promote the health and public safety of citizens throughout the United States.

**SEC. 6003. DEFINITIONS.**

In this title:

(1) CARBON MONOXIDE ALARM.—The term ''carbon monoxide alarm'' means a device or system that—

(A) detects carbon monoxide; and

(B) is intended to alarm at carbon monoxide concentrations below those that could cause a loss of ability to react to the dangers of carbon monoxide exposure.

(2) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(3) COMPLIANT CARBON MONOXIDE ALARM.—The term ''compliant carbon monoxide alarm'' means a carbon monoxide alarm that complies with the most current version of—

(A) the Standard for Single and Multiple Station Carbon Monoxide Alarms of the American National Standards Institute and UL (ANSI/UL 2034) or successor standard; and

(B) the Standard for Gas and Vapor Detectors and Sensors of the American National Standards Institute and UL (ANSI/UL 2075) or successor standard.

(4) DWELLING UNIT.—The term ''dwelling unit'' means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence (including apartment buildings) and each living unit in a mixed use building.

(5) FIRE CODE ENFORCEMENT OFFICIALS.—The term ''fire code enforcement officials'' means officials of the fire safety code enforcement agency of a State or local government or tribal organization.

(6) NFPA 720.—The term ''NFPA 720'' means—

(A) the Standard for the Installation of Carbon Monoxide Detection and Warning Equipment issued by the National Fire Protection Association in 2012; and

(B) any amended or similar successor standard pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(7) STATE.—The term ''State'' has the meaning given such term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) and includes the Northern Mariana Islands and any political subdivision of a State.

(8) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

**SEC. 6004. GRANT PROGRAM FOR CARBON MONOXIDE POISONING PREVENTION.**

(a) IN GENERAL.—Subject to the availability of appropriations authorized under subsection (f), the Commission shall establish a grant program to provide assistance to eligible States and tribal organizations to carry out the carbon monoxide poisoning prevention activities described in subsection (e).

(b) ELIGIBILITY.—For purposes of this section, an eligible State or tribal organization is any State or tribal organization that—

(1) demonstrates to the satisfaction of the Commission that the State or tribal organization has adopted a statute or a rule, regulation, or similar measure with the force and effect of law, requiring compliant carbon monoxide alarms to be installed in dwelling units in accordance with NFPA 720; and

(2) submits an application to the Commission at such time, in such form, and containing such additional information as the Commission may require, which application may be filed on behalf of the State or tribal organization by the fire code enforcement officials for such State or tribal organization.

(c) GRANT AMOUNT.—The Commission shall determine the amount of the grants awarded under this section.

(d) SELECTION OF GRANT RECIPIENTS.—In selecting eligible States and tribal organizations for the award of grants under this section, the Commission shall give favorable consideration to an eligible State or tribal organization that—

(1) requires the installation of compliant carbon monoxide alarms in new or existing educational facilities, childcare facilities, health care facilities, adult dependent care facilities, government buildings, restaurants, theaters, lodging establishments, or dwelling units—

(A) within which a fuel-burning appliance is installed, including a furnace, boiler, water heater, fireplace, or any other apparatus, appliance, or device that burns fuel; or

(B) which has an attached garage; and

(2) has developed a strategy to protect vulnerable populations such as children, the elderly, or low-income households.

(e) USE OF GRANT FUNDS.—

(1) IN GENERAL.—An eligible State or tribal organization receiving a grant under this section may use such grant—

(A) to purchase and install compliant carbon monoxide alarms in the dwelling units of low-income families or elderly persons, facilities that commonly serve children or the elderly, including childcare facilities, public schools, and senior centers, or student dwelling units owned by public universities;

(B) to train State, tribal organization, or local fire code enforcement officials in the proper enforcement of State, tribal, or local laws concerning compliant carbon monoxide alarms and the installation of such alarms in accordance with NFPA 720;

(C) for the development and dissemination of training materials, instructors, and any other costs related to the training sessions authorized by this subsection; or

(D) to educate the public about the risk associated with carbon monoxide as a poison and the importance of proper carbon monoxide alarm use.

(2) LIMITATIONS.—

(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of any grant amount received under this section may be used to cover administrative costs not directly related to training described in paragraph (1)(B).

(B) PUBLIC OUTREACH.—Not more than 25 percent of any grant amount received under this section may be used to cover costs of activities described in paragraph (1)(D).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), there is authorized to be appropriated to the Commission, for each of the fiscal years 2015 through 2019, $2,000,000, which shall remain available until expended to carry out this Act.

(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amounts appropriated or otherwise made available to carry out this section may be used for administrative expenses.

(3) RETENTION OF AMOUNTS.—Any amounts appropriated pursuant to this subsection that remain unexpended and unobligated on September 30, 2019, shall be retained by the Commission and credited to the appropriations account that funds the enforcement of the Consumer Product Safety Act (15 U.S.C. 2051).

(g) REPORT.—Not later than 1 year after the last day of each fiscal year for which grants are awarded under this section, the Commission shall submit to Congress a report that evaluates the implementation of the grant program required by this section.

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**SA 3089.** Ms. KLOBUCHAR (for herself, Mr. HOEVEN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IV, add the following:

**SEC. 44____. NORTH COUNTRY NATIONAL SCENIC TRAIL.**

(a) ROUTE ADJUSTMENT.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended in the first sentence—

(1) by striking ''thirty two hundred miles, extending from eastern New York State'' and inserting ''4,600 miles, extending from the Appalachian Trail in Vermont''; and

(2) by striking ''Proposed North Country Trail'' and all that follows through ''June 1975.'' and inserting '''North Country National Scenic Trail, Authorized Route' dated February 2014, and numbered 649/116870.''.

(b) NO CONDEMNATION.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: ''No land or interest in land outside of the exterior boundary of any Federally administered area may be acquired by the Federal Government for the trail by condemnation.''.

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**SA 3090.** Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, between lines 19 and 20, insert the following:

**SEC. 1107. INCLUSION OF SMART GRID CAPABILITY ON ENERGY GUIDE LABELS.**

Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following:

''(J) SPECIAL NOTES ON SMART GRID CAPABILITIES.—

''(i) INITIATION OF RULEMAKING.—Not later than 1 year after the date of the enactment of this subparagraph, the Commission shall initiate a rulemaking to consider making a special note in a prominent manner on any Energy Guide label for any product that includes Smart Grid capability that—

''(I) Smart Grid capability is a feature of that product;

''(II) the use and value of that feature depend on the Smart Grid capability of the utility system in which the product is installed and the active utilization of that feature by the customer; and

''(III) on a utility system with Smart Grid capability, the use of the product's Smart Grid capability could reduce the customer's cost of the product's annual operation by an estimated dollar amount range representing the result of incremental energy and electricity cost savings that would result from the customer taking full advantage of such Smart Grid capability.

''(ii) COMPLETION OF RULEMAKING.—Not later than 3 years after the date of the enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i).''.

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**SA 3091.** Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, strike lines 7 through 12 and insert the following:

(9) standards for storage device performance, control interface, grid interconnection, and interoperability;

(10) maintaining a public database of energy storage projects, policies, codes, standards, and regulations; and

(11) electric thermal storage research.

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**SA 3092.** Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. ENERGY ACTION PLAN FOR PUERTO RICO.**

Section 9 of the Consolidated and Further Continuing Appropriations Act, 2015 (48 U.S.C. 1492a), is amended—

(1) in subsection (a), by striking paragraph (5) and inserting the following:

''(5) SECRETARY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term Secretary means the Secretary of the Interior.

''(B) APPLICATION TO PUERTO RICO.—With respect to Puerto Rico, the term 'Secretary' means the Secretary of Energy.''; and

(2) in subsection (b)—

(A) by inserting '', or, in the case of Puerto Rico, not later than 180 days after the date of enactment of the Energy Policy Modernization Act of 2015,'' after ''of this Act''; and

(B) by inserting ''(except in the case of Puerto Rico)'' after ''Empowering Insular Communities activity''.

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**SA 3093.** Mr. NELSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At end of subtitle B of title III, add the following:

**SEC. 3105. EXTENSION OF MORATORIUM ON OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.**

Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended in the matter preceding paragraph (1) by striking ''June 30, 2022'' and inserting ''June 30, 2027''.

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**SA 3094.** Mr. NELSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At end of subtitle B of title III, add the following:

**SEC. 3105. MORATORIUM ON OIL- AND GAS-RELATED SEISMIC ACTIVITIES IN THE EXCLUSIVE ECONOMIC ZONE OFF THE COAST OF FLORIDA.**

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, no person may conduct geological or geophysical activities (as those terms are described in the final programmatic environmental impact statement of the Bureau of Ocean Energy Management entitled ''Atlantic OCS Proposed Geological and Geophysical Activities, Mid-Atlantic and South Atlantic Planning Areas'' and completed February 2014) in support of oil or gas exploration and development in any area located within the exclusive economic zone (as defined in section 107 of title 46, United States Code) located off the coastline of the State of Florida.

(b) TERMINATION OF MORATORIUM.—The moratorium described in subsection (a) shall only be terminated if the Administrator of the National Oceanic and Atmospheric Administration determines that the reasonably foreseeable impacts of the geological or geophysical activities described in subsection (a) to individuals or populations of marine mammals, sea turtles, or fish are minimal.

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**SA 3095.** Mr. DURBIN (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 352, strike lines 17 through 21 and insert the following:

''(8) $5,423,000,000 for fiscal year 2016;

''(9) $5,808,000,000 for fiscal year 2017;

''(10) $6,220,000,000 for fiscal year 2018;

''(11) $6,661,000,000 for fiscal year 2019; and

''(12) $7,134,000,000 for fiscal year 2020.''.

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**SA 3096.** Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike line 7 and insert the following:

**SEC. 4204. FUNDING COMPETITIVENESS FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.**

Section 988(b) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)) is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraphs (2) and (3)'' and inserting ''Except as provided in paragraphs (2), (3), and (4)''; and

(2) by adding at the end the following:

''(4) EXEMPTION FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to a research or development activity performed by an institution of higher education or nonprofit institution (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)).

''(B) TERMINATION DATE.—The exemption under subparagraph (A) shall apply during the 6-year period beginning on the date of enactment of this paragraph.''.

**SEC. 4205. MICROLAB TECHNOLOGY COMMERCIALIZATION.**

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**SA 3097.** Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike line 7 and insert the following:

**SEC. 4204. PUBLIC-PRIVATE PARTNERSHIPS FOR COMMERCIALIZATION.**

(a) DEFINITION OF NATIONAL LABORATORY.—

(1) IN GENERAL.—In this section, the term ''National Laboratory'' means a nonmilitary national laboratory owned by the Department.

(2) INCLUSIONS.—The term ''National Laboratory'' includes—

(A) Ames Laboratory;

(B) Argonne National Laboratory;

(C) Brookhaven National Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Idaho National Laboratory;

(F) Lawrence Berkeley National Laboratory;

(G) National Energy Technology Laboratory;

(H) National Renewable Energy Laboratory;

(I) Oak Ridge National Laboratory;

(J) Pacific Northwest National Laboratory;

(K) Princeton Plasma Physics Laboratory;

(L) Savannah River National Laboratory;

(M) Stanford Linear Accelerator Center;

(N) Thomas Jefferson National Accelerator Facility; and

(O) any laboratory operated by the National Nuclear Security Administration, with respect to the civilian energy activities conducted at the laboratory.

(b) PUBLIC-PRIVATE PARTNERSHIPS FOR COMMERCIALIZATION.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary shall delegate to directors of the National Laboratories signature authority with respect to any agreement described in paragraph (2) the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than $1,000,000, if the agreement falls within the scope of—

(A) a strategic plan for the National Laboratory that has been approved by the Department; or

(B) the most recent congressionally approved budget for Department activities to be carried out by the National Laboratory.

(2) AGREEMENTS.—Paragraph (1) applies to—

(A) a cooperative research and development agreement;

(B) a non-Federal work-for-others agreement; and

(C) any other agreement determined to be appropriate by the Secretary, in collaboration with the directors of the National Laboratories.

(3) LIMITATION.—Paragraph (1) does not apply to an agreement with a majority-foreign-owned company.

(4) ADMINISTRATION.—

(A) ACCOUNTABILITY.—The director of the affected National Laboratory and the affected contractor shall carry out an agreement under this subsection in accordance with applicable policies of the Department, including by ensuring that the agreement does not compromise any national security, economic, or environmental interest of the United States.

(B) CERTIFICATION.—The director of the affected National Laboratory and the affected contractor shall certify that each activity carried out under a project for which an agreement is entered into under this subsection does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this subsection.

(C) AVAILABILITY OF RECORDS.—On entering an agreement under this subsection, the director of a National Laboratory shall submit to the Secretary for monitoring and review all records of the National Laboratory relating to the agreement.

(D) RATES.—The director of a National Laboratory may charge higher rates for services performed under a partnership agreement entered into pursuant to this subsection, regardless of the full cost of recovery, if the funds are exclusively used to support further research and development activities at the applicable National Laboratory.

(5) CONFORMING AMENDMENT.—Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(ii) by striking ''Each Federal agency'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), each Federal agency''; and

(iii) by adding at the end the following:

''(2) EXCEPTION.—Notwithstanding paragraph (1), in accordance with section 4204(b)(1) of the Energy Policy Modernization Act of 2015, approval by the Secretary of Energy shall not be required for any technology transfer agreement proposed to be entered into by a National Laboratory of the Department of Energy, the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than $1,000,000.''; and

(B) in subsection (b), by striking ''subsection (a)(1)'' each place it appears and inserting ''subsection (a)(1)(A)''.

(c) SAVINGS CLAUSE.—Nothing in this section abrogates or otherwise affects the primary responsibilities of any National Laboratory to the Department.

**SEC. 4205. MICROLAB TECHNOLOGY COMMERCIALIZATION.**

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**SA 3098.** Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike line 7 and insert the following:

**SEC. 4204. AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.**

(a) DEFINITION OF NATIONAL LABORATORY.—In this section:

(1) IN GENERAL.—The term ''National Laboratory'' means a nonmilitary national laboratory owned by the Department.

(2) INCLUSIONS.—The term ''National Laboratory'' includes—

(A) Ames Laboratory;

(B) Argonne National Laboratory;

(C) Brookhaven National Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Idaho National Laboratory;

(F) Lawrence Berkeley National Laboratory;

(G) National Energy Technology Laboratory;

(H) National Renewable Energy Laboratory;

(I) Oak Ridge National Laboratory;

(J) Pacific Northwest National Laboratory;

(K) Princeton Plasma Physics Laboratory;

(L) Savannah River National Laboratory;

(M) Stanford Linear Accelerator Center;

(N) Thomas Jefferson National Accelerator Facility; and

(O) any laboratory operated by the National Nuclear Security Administration, with respect to the civilian energy activities conducted at the laboratory.

(b) AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out the Agreements for Commercializing Technology pilot program of the Department, as announced by the Secretary on December 8, 2011, in accordance with this subsection.

(2) TERMS.—Each agreement entered into pursuant to the pilot program referred to in paragraph (1) shall provide to the contractor of the applicable National Laboratory, to the maximum extent determined to be appropriate by the Secretary, increased authority to negotiate contract terms, such as intellectual property rights, indemnification, payment structures, performance guarantees, and multiparty collaborations.

(3) ELIGIBILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law (including regulations), any National Laboratory may enter into an agreement pursuant to the pilot program referred to in paragraph (1).

(B) AGREEMENTS WITH NON-FEDERAL ENTITIES.—To carry out subparagraph (A) and subject to subparagraph (C), the Secretary shall permit the directors of the National Laboratories to execute agreements with non-Federal entities, including non-Federal entities already receiving Federal funding that will be used to support activities under agreements executed pursuant to subparagraph (A).

(C) RESTRICTION.—The requirements of chapter 18 of title 35, United States Code (commonly known as the ''Bayh-Dole Act'') shall apply if—

(i) the agreement is a funding agreement (as that term is defined in section 201 of that title); and

(ii) at least 1 of the parties to the funding agreement is eligible to receive rights under that chapter.

(4) SUBMISSION TO SECRETARY.—Each affected director of a National Laboratory shall submit to the Secretary, with respect to each agreement entered into under this subsection—

(A) a summary of information relating to the relevant project;

(B) the total estimated costs of the project;

(C) estimated commencement and completion dates of the project; and

(D) other documentation determined to be appropriate by the Secretary.

(5) CERTIFICATION.—The Secretary shall require the contractor of the affected National Laboratory to certify that each activity carried out under a project for which an agreement is entered into under this subsection—

(A) is not in direct competition with the private sector; and

(B) does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this subsection.

(6) EXTENSION.—The pilot program referred to in paragraph (1) shall be extended for a term of 3 years after the date of enactment of this Act.

(7) REPORTS.—

(A) INITIAL REPORT.—Not later than 60 days after the date described in paragraph (6), the Secretary, in coordination with directors of the National Laboratories, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that—

(i) assesses the overall effectiveness of the pilot program referred to in paragraph (1);

(ii) identifies opportunities to improve the effectiveness of the pilot program;

(iii) assesses the potential for program activities to interfere with the responsibilities of the National Laboratories to the Department; and

(iv) provides a recommendation regarding the future of the pilot program.

(B) ANNUAL REPORTS.—Annually, the Secretary, in coordination with the directors of the National Laboratories, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that accounts for all incidences of, and provides a justification for, non-Federal entities using funds derived from a Federal contract or award to carry out agreements entered into under this subsection.

(c) SAVINGS CLAUSE.—Nothing in this section abrogates or otherwise affects the primary responsibilities of any National Laboratory to the Department.

**SEC. 4205. MICROLAB TECHNOLOGY COMMERCIALIZATION.**

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**SA 3099.** Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike line 7 and insert the following:

**SEC. 4204. IMPLEMENTING NEW NATIONAL OPPORTUNITIES TO VIGOROUSLY ACCELERATE TECHNOLOGY, ENERGY, AND SCIENCE.**

(a) DEFINITION OF NATIONAL LABORATORY.—

(1) IN GENERAL.—In this section, the term ''National Laboratory'' means a nonmilitary national laboratory owned by the Department.

(2) INCLUSIONS.—The term ''National Laboratory'' includes—

(A) Ames Laboratory;

(B) Argonne National Laboratory;

(C) Brookhaven National Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Idaho National Laboratory;

(F) Lawrence Berkeley National Laboratory;

(G) National Energy Technology Laboratory;

(H) National Renewable Energy Laboratory;

(I) Oak Ridge National Laboratory;

(J) Pacific Northwest National Laboratory;

(K) Princeton Plasma Physics Laboratory;

(L) Savannah River National Laboratory;

(M) Stanford Linear Accelerator Center;

(N) Thomas Jefferson National Accelerator Facility; and

(O) any laboratory operated by the National Nuclear Security Administration, with respect to the civilian energy activities conducted at the laboratory.

(b) AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out the Agreements for Commercializing Technology pilot program of the Department, as announced by the Secretary on December 8, 2011, in accordance with this subsection.

(2) TERMS.—Each agreement entered into pursuant to the pilot program referred to in paragraph (1) shall provide to the contractor of the applicable National Laboratory, to the maximum extent determined to be appropriate by the Secretary, increased authority to negotiate contract terms, such as intellectual property rights, indemnification, payment structures, performance guarantees, and multiparty collaborations.

(3) ELIGIBILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law (including regulations), any National Laboratory may enter into an agreement pursuant to the pilot program referred to in paragraph (1).

(B) AGREEMENTS WITH NON-FEDERAL ENTITIES.—To carry out subparagraph (A) and subject to subparagraph (C), the Secretary shall permit the directors of the National Laboratories to execute agreements with non-Federal entities, including non-Federal entities already receiving Federal funding that will be used to support activities under agreements executed pursuant to subparagraph (A).

(C) RESTRICTION.—The requirements of chapter 18 of title 35, United States Code (commonly known as the ''Bayh-Dole Act'') shall apply if—

(i) the agreement is a funding agreement (as that term is defined in section 201 of that title); and

(ii) at least 1 of the parties to the funding agreement is eligible to receive rights under that chapter.

(4) SUBMISSION TO SECRETARY.—Each affected director of a National Laboratory shall submit to the Secretary, with respect to each agreement entered into under this subsection—

(A) a summary of information relating to the relevant project;

(B) the total estimated costs of the project;

(C) estimated commencement and completion dates of the project; and

(D) other documentation determined to be appropriate by the Secretary.

(5) CERTIFICATION.—The Secretary shall require the contractor of the affected National Laboratory to certify that each activity carried out under a project for which an agreement is entered into under this subsection—

(A) is not in direct competition with the private sector; and

(B) does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this subsection.

(6) EXTENSION.—The pilot program referred to in paragraph (1) shall be extended for a term of 3 years after the date of enactment of this Act.

(7) REPORTS.—

(A) INITIAL REPORT.—Not later than 60 days after the date described in paragraph (6), the Secretary, in coordination with directors of the National Laboratories, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that—

(i) assesses the overall effectiveness of the pilot program referred to in paragraph (1);

(ii) identifies opportunities to improve the effectiveness of the pilot program;

(iii) assesses the potential for program activities to interfere with the responsibilities of the National Laboratories to the Department; and

(iv) provides a recommendation regarding the future of the pilot program.

(B) ANNUAL REPORTS.—Annually, the Secretary, in coordination with the directors of the National Laboratories, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that accounts for all incidences of, and provides a justification for, non-Federal entities using funds derived from a Federal contract or award to carry out agreements entered into under this subsection.

(c) PUBLIC-PRIVATE PARTNERSHIPS FOR COMMERCIALIZATION.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary shall delegate to directors of the National Laboratories signature authority with respect to any agreement described in paragraph (2) the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than $1,000,000, if the agreement falls within the scope of—

(A) a strategic plan for the National Laboratory that has been approved by the Department; or

(B) the most recent congressionally approved budget for Department activities to be carried out by the National Laboratory.

(2) AGREEMENTS.—Paragraph (1) applies to—

(A) a cooperative research and development agreement;

(B) a non-Federal work-for-others agreement; and

(C) any other agreement determined to be appropriate by the Secretary, in collaboration with the directors of the National Laboratories.

(3) LIMITATION.—Paragraph (1) does not apply to an agreement with a majority-foreign-owned company.

(4) ADMINISTRATION.—

(A) ACCOUNTABILITY.—The director of the affected National Laboratory and the affected contractor shall carry out an agreement under this subsection in accordance with applicable policies of the Department, including by ensuring that the agreement does not compromise any national security, economic, or environmental interest of the United States.

(B) CERTIFICATION.—The director of the affected National Laboratory and the affected contractor shall certify that each activity carried out under a project for which an agreement is entered into under this subsection does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this subsection.

(C) AVAILABILITY OF RECORDS.—On entering an agreement under this subsection, the director of a National Laboratory shall submit to the Secretary for monitoring and review all records of the National Laboratory relating to the agreement.

(D) RATES.—The director of a National Laboratory may charge higher rates for services performed under a partnership agreement entered into pursuant to this subsection, regardless of the full cost of recovery, if the funds are exclusively used to support further research and development activities at the applicable National Laboratory.

(5) CONFORMING AMENDMENT.—Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(ii) by striking ''Each Federal agency'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), each Federal agency''; and

(iii) by adding at the end the following:

''(2) EXCEPTION.—Notwithstanding paragraph (1), in accordance with section 4204(c)(1) of the Energy Policy Modernization Act of 2015, approval by the Secretary of Energy shall not be required for any technology transfer agreement proposed to be entered into by a National Laboratory of the Department of Energy, the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than $1,000,000.''; and

(B) in subsection (b), by striking ''subsection (a)(1)'' each place it appears and inserting ''subsection (a)(1)(A)''.

(d) FUNDING COMPETITIVENESS FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.—

Section 988(b) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)) is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraphs (2) and (3)'' and inserting ''Except as provided in paragraphs (2), (3), and (4)''; and

(2) by adding at the end the following:

''(4) EXEMPTION FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to a research or development activity performed by an institution of higher education or nonprofit institution (as defined in

section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)).

''(B) TERMINATION DATE.—The exemption under subparagraph (A) shall apply during the 6-year period beginning on the date of enactment of this paragraph.''.

(e) SAVINGS CLAUSE.—Nothing in this section abrogates or otherwise affects the primary responsibilities of any National Laboratory to the Department.

**SEC. 4205. MICROLAB TECHNOLOGY COMMERCIALIZATION.**

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**SA 3100.** Ms. WARREN (for herself, Mr. BLUMENTHAL, Mr. SCHUMER, Mr. MENENDEZ, Mr. MURPHY, Mr. NELSON, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VI—PUERTO RICO EMERGENCY FINANCIAL STABILITY**

**SEC. 6001. SHORT TITLE.**

This title may be cited as the ''Puerto Rico Emergency Financial Stability Act of 2016''.

**SEC. 6002. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) The Commonwealth Government is confronted with a dire fiscal emergency and liquidity crisis that imminently threatens the welfare of the people of the Commonwealth, affecting the provision of essential public services including public safety, health care, and education that are needed both to sustain the welfare of the people and the economic ability of the Commonwealth to address any future resolution of debts and legal obligations.

(2) A temporary stay on litigation with respect to debt holders for the Commonwealth is essential to provide breathing space to the Commonwealth, creditors, and the Congress to determine an orderly process for the Commonwealth to address any future resolution of legal obligations and to provide the Commonwealth a path to sustainable growth; and thereby, protect the lives of more than 3,500,000 citizens of the United States living in the Commonwealth.

(3) The Commonwealth is in a state of fiscal emergency brought on by, among other things, a combination of accumulated operating deficits, cash shortages, management inefficiencies, and excessive borrowing.

(4) The Commonwealth Government's debt is unusually complex, with 18 different but inter-related issuers.

(A) There is an even larger number of creditor groups, each of which may have divergent interests.

(B) The debt's unusual complexity will substantially complicate any potential consensual restructuring in the absence of Federal legislation to facilitate the negotiations.

(5) This legislation, which includes a stay on litigation by debt holders, can protect essential government services and help the Commonwealth address its liabilities in an orderly fashion, benefitting all stakeholders.

(A) A temporary stay on litigation is essential to facilitate an orderly process for stabilizing, evaluating, and comprehensively resolving the Commonwealth's fiscal crisis.

(B) Avoiding a disorderly race to the courthouse will benefit creditors as well as other stakeholders.

(C) Furthermore, the stay is only temporary.

(b) PURPOSES.—The purposes of this title are to—

(1) provide a limited period of time to permit Congress to enact comprehensive relief for the Commonwealth, providing it the necessary tools to address its economic and fiscal crisis; and

(2) provide the Commonwealth Government with a tool it needs to address an immediate and imminent crisis that is unprecedented in the history of the United States.

**SEC. 6003. EFFECTIVE DATE.**

This title shall take effect as though enacted on December 18, 2015.

**SEC. 6004. SEVERABILITY.**

If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title, or the application of that provision to persons or circumstances other than those as to which it is held invalid, is not affected thereby.

**SEC. 6005. DEFINITIONS.**

In this title:

(1) BOND.—The term ''Bond'' means a bond, loan, line of credit, note, or other borrowing title, in physical or dematerialized form, of which—

(A) the issuer, borrower, or guarantor is the Commonwealth Government; and

(B) the date of issuance or incurrence of debt precedes the date of enactment of this Act.

(2) COMMONWEALTH.—The term ''Commonwealth'' means the Commonwealth of Puerto Rico.

(3) COMMONWEALTH GOVERNMENT.—The term ''Commonwealth Government'' means the government of the Commonwealth, including all its political subdivisions, public agencies, instrumentalities, and public corporations.

(4) COURT.—The term ''court'' means the United States District Court for the District of Puerto Rico.

(5) OTHER TERMS.—Any other term that is used in section 6006 and is defined in title 11, United States Code, has the meaning given that term under title 11, United States Code.

**SEC. 6006. AUTOMATIC STAY.**

(a) Except as otherwise provided in this section, the enactment of this title operates with respect to any claim, debt, or cause of action related to a Bond as a stay, applicable to all entities (as such term is defined in section 101 of title 11, United States Code), of—

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the Commonwealth Government or to recover a claim against the Commonwealth Government;

(2) the enforcement, against the Commonwealth Government or against property of the Commonwealth Government, of a judgment;

(3) any act to obtain possession of property of the Commonwealth Government or of property from the Commonwealth Government or to exercise control over property of the Commonwealth Government;

(4) any act to create, perfect, or enforce any lien against property of the Commonwealth Government;

(5) any act to create, perfect, or enforce against property of the Commonwealth Government any lien to the extent that such lien secures a claim;

(6) any act to collect, assess, or recover a claim against the Commonwealth Government; and

(7) the setoff of any debt owing to the Commonwealth Government against any claim against the Commonwealth Government.

(b) The enactment of this title does not operate as a stay under subsection (a) of this section of the continuation of, including the issuance or employment of process, a judicial, administrative, or other action or proceeding against the Commonwealth Government that was commenced on or before the date of enactment of this Act.

(c) Except as provided in subsection (d), (e), or (f), a stay of an act under subsection (a) shall cease to have effect as of April 1, 2016.

(d) On motion of a party in interest and after notice and a hearing, the court may grant relief from a stay under subsection (a)—

(1) for cause, including the lack of adequate protection of a security interest in property of such party in interest; or

(2) with respect to a stay of an act against property under subsection (a), if—

(A) the debtor does not have an equity in such property; and

(B) such property is not necessary for the Commonwealth to provide essential services;

(e) Thirty days after a request under subsection (d) of this section for relief from the stay of any act against property of the Commonwealth Government under subsection (a) of this section, such stay is terminated with respect to the party in interest making such request, unless the court, after notice and a hearing, orders such stay continued in effect pending the conclusion of, or as a result of, a final hearing and determination under subsection (d) of this section. A hearing under this subsection may be a preliminary hearing, or may be consolidated with the final hearing under subsection (d) of this section. The court shall order such stay continued in effect pending the conclusion of the final hearing under subsection (d) of this section if there is a reasonable likelihood that the party opposing relief from such stay will prevail at the conclusion of such final hearing. If the hearing under this subsection is a preliminary hearing, then such final hearing shall be concluded not later than 30 days after the conclusion of such preliminary hearing, unless the 30-day period is extended with the consent of the parties in interest or for a specific time which the court finds is required by compelling circumstances.

(f) Upon request of a party in interest, the court, with or without a hearing, shall grant such relief from the stay provided under subsection (a) of this section as is necessary to prevent irreparable damage to the secured interest of an entity in property, if such interest will suffer such damage before there is an opportunity for notice and a hearing under subsection (d) or (e) of this section.

(g) No order, judgment, or decree entered in violation of this section shall have any force or effect.

(h) In any hearing under subsection (d) or (e) concerning relief from a stay—

(1) the party requesting such relief has the burden of proof on the issue of the debtor's equity in property; and

(2) the party opposing such relief has the burden of proof on all other issues.

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**SA 3101.** Mr. UDALL (for himself, Mr. BENNET, Mr. HEINRICH, Ms. HIRONO, Mr. MARKEY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

**PART V—RENEWABLE ELECTRICITY STANDARD**

**SEC. 3021. RENEWABLE ELECTRICITY STANDARD.**

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

**"SEC. 610. RENEWABLE ELECTRICITY STANDARD.**

''(a) DEFINITIONS.—In this section:

''(1) BASE QUANTITY OF ELECTRICITY.—

''(A) IN GENERAL.—The term 'base quantity of electricity' means the total quantity of electric energy sold by a retail electric supplier, expressed in terms of kilowatt hours, to electric customers for purposes other than resale during the most recent calendar year for which information is available.

''(B) EXCLUSIONS.—The term 'base quantity of electricity' does not include—

''(i) electric energy that is not incremental hydropower generated by a hydroelectric facility; and

''(ii) electricity generated through the incineration of municipal solid waste.

''(2) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy;

''(ii) nonhazardous plant or algal matter that is derived from—

''(I) an agricultural crop, crop byproduct, or residue resource; or

''(II) waste, such as landscape or right-of-way trimmings (but not including municipal solid waste, recyclable postconsumer waste paper, painted, treated, or pressurized wood, wood contaminated with plastic, or metals);

''(iii) animal waste or animal byproducts; and

''(iv) landfill methane.

''(B) NATIONAL FOREST LAND AND CERTAIN OTHER PUBLIC LAND.—In the case of organic material removed from National Forest System land or from public land administered by the Secretary of the Interior, the term 'biomass' means only organic material from—

''(i) ecological forest restoration;

''(ii) precommercial thinnings;

''(iii) brush;

''(iv) mill residues; or

''(v) slash.

''(C) EXCLUSION OF CERTAIN FEDERAL LAND.—Notwithstanding subparagraph (B), the term 'biomass' does not include material or matter that would otherwise qualify as biomass if the material or matter is located on the following Federal land:

''(i) Federal land containing old growth forest or late successional forest unless the Secretary of the Interior or the Secretary of Agriculture determines that the removal of organic material from the land—

''(I) is appropriate for the applicable forest type; and

''(II) maximizes the retention of—

''(aa) late-successional and large and old growth trees;

''(bb) late-successional and old growth forest structure; and

''(cc) late-successional and old growth forest composition.

''(ii) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System.

''(iii) Wilderness study areas.

''(iv) Inventoried roadless areas.

''(v) Components of the National Landscape Conservation System.

''(vi) National Monuments.

''(3) EXISTING FACILITY.—The term 'existing facility' means a facility for the generation of electric energy from a renewable energy resource that is not an eligible facility.

''(4) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional generation that is achieved from increased efficiency or additions of capacity made on or after—

''(A) the date of enactment of this section; or

''(B) the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

''(5) INDIAN LAND.—The term 'Indian land' means—

''(A) any land within the limits of any Indian reservation, pueblo, or rancheria;

''(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which on the date of enactment of this section was held by—

''(i) the United States for the benefit of any Indian tribe or individual; or

''(ii) any Indian tribe or individual subject to restriction by the United States against alienation;

''(C) any dependent Indian community; or

''(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

''(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(7) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated by a renewable energy resource.

''(8) RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar, wind, ocean, tidal, geothermal energy, biomass, landfill gas, incremental hydropower, or hydrokinetic energy.

''(9) REPOWERING OR COFIRING INCREMENT.—The term 'repowering or cofiring increment' means—

''(A) the additional generation from a modification that is placed in service on or after the date of enactment of this section, to expand electricity production at a facility used to generate electric energy from a renewable energy resource;

''(B) the additional generation above the average generation during the 3-year period ending on the date of enactment of this section at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section; or

''(C) the portion of the electric generation from a facility placed in service on or after the date of enactment of this section, or a modification to a facility placed in service before the date of enactment of this section made on or after January 1, 2001, associated with cofiring biomass.

''(10) RETAIL ELECTRIC SUPPLIER.—

''(A) IN GENERAL.—The term 'retail electric supplier' means a person that sells electric energy to electric consumers that sold not less than 1,000,000 megawatt hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

''(B) INCLUSION.—The term 'retail electric supplier' includes a person that sells electric energy to electric consumers that, in combination with the sales of any affiliate organized after the date of enactment of this section, sells not less than 1,000,000 megawatt hours of electric energy to consumers for purposes other than resale.

''(C) SALES TO PARENT COMPANIES OR AFFILIATES.—For purposes of this paragraph, sales by any person to a parent company or to other affiliates of the person shall not be treated as sales to electric consumers.

''(D) GOVERNMENTAL AGENCIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'retail electric supplier' does not include—

''(I) the United States, a State, any political subdivision of a State, or any agency, authority, or instrumentality of the United States, State, or political subdivision; or

''(II) a rural electric cooperative.

''(ii) INCLUSION.—The term 'retail electric supplier' includes an entity that is a political subdivision of a State, or an agency, authority, or instrumentality of the United States, a State, a political subdivision of a State, a rural electric cooperative that sells electric energy to electric consumers, or any other entity that sells electric energy to electric consumers that would not otherwise qualify as a retail electric supplier if the entity notifies the Secretary that the entity voluntarily agrees to participate in the Federal renewable electricity standard program.

''(b) COMPLIANCE.—For calendar year 2016 and each calendar year thereafter, each retail electric supplier shall meet the requirements of subsection (c) by submitting to the Secretary, not later than April 1 of the following calendar year, 1 or more of the following:

''(1) Federal renewable energy credits issued under subsection (e).

''(2) Certification of the renewable energy generated and electricity savings pursuant to the funds associated with State compliance payments as specified in subsection (e)(4)(G).

''(3) Alternative compliance payments pursuant to subsection (h).

''(c) REQUIRED ANNUAL PERCENTAGE.—For each of calendar years 2016 through 2039, the required annual percentage of the base quantity of electricity of a retail electric supplier that shall be generated from renewable energy resources, or otherwise credited towards the percentage requirement pursuant to subsection (d), shall be the applicable percentage specified in the following table:

| "Calendar Years | Required Amount Percentage |
|---|---|
| 2016 | 7.5 |
| 2017 | 8.0 |
| 2018 | 9.0 |
| 2019 | 10.5 |
| 2020 | 12.0 |
| 2021 | 13.5 |
| 2022 | 15.0 |
| 2023 | 16.5 |
| 2024 | 18.0 |
| 2025 | 20.0 |
| 2026 | 22.0 |
| 2027 | 24.0 |
| 2028 | 26.0 |
| 2029 | 28.0 |
| 2030 and thereafter through 2039 | 30.0. |

''(d) RENEWABLE ENERGY CREDITS.—

''(1) IN GENERAL.—A retail electric supplier may satisfy the requirements of subsection (b)(1) through the submission of Federal renewable energy credits—

''(A) issued to the retail electric supplier under subsection (e);

''(B) obtained by purchase or exchange under subsection (f); or

''(C) borrowed under subsection (g).

''(2) FEDERAL RENEWABLE ENERGY CREDITS.—A Federal renewable energy credit may be counted toward compliance with subsection (b)(1) only once.

''(e) ISSUANCE OF FEDERAL RENEWABLE ENERGY CREDITS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section,

the Secretary shall establish by rule a program—

''(A) to verify and issue Federal renewable energy credits to generators of renewable energy;

''(B) to track the sale, exchange, and retirement of the credits; and

''(C) to enforce the requirements of this section.

''(2) EXISTING NON-FEDERAL TRACKING SYSTEMS.—To the maximum extent practicable, in establishing the program, the Secretary shall rely on existing and emerging State or regional tracking systems that issue and track non-Federal renewable energy credits.

''(3) APPLICATION.—

''(A) IN GENERAL.—An entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits.

''(B) ELIGIBILITY.—To be eligible for the issuance of the credits, the applicant shall demonstrate to the Secretary that—

''(i) the electric energy will be transmitted onto the grid; or

''(ii) in the case of a generation offset, the electric energy offset would have otherwise been consumed onsite.

''(C) CONTENTS.—The application shall indicate—

''(i) the type of renewable energy resource that is used to produce the electricity;

''(ii) the location at which the electric energy will be produced; and

''(iii) any other information the Secretary determines appropriate.

''(4) QUANTITY OF FEDERAL RENEWABLE ENERGY CREDITS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the Secretary shall issue to a generator of electric energy 1 Federal renewable energy credit for each kilowatt hour of electric energy generated by the use of a renewable energy resource at an eligible facility.

''(B) INCREMENTAL HYDROPOWER.—

''(i) IN GENERAL.—For purpose of compliance with this section, Federal renewable energy credits for incremental hydropower shall be based on the increase in average annual generation resulting from the efficiency improvements or capacity additions.

''(ii) WATER FLOW INFORMATION.—The incremental generation shall be calculated using the same water flow information that is—

''(I) used to determine a historic average annual generation baseline for the hydroelectric facility; and

''(II) certified by the Secretary or the Federal Energy Regulatory Commission.

''(iii) OPERATIONAL CHANGES.—The calculation of the Federal renewable energy credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility that is not directly associated with the efficiency improvements or capacity additions.

''(C) INDIAN LAND.—

''(i) IN GENERAL.—The Secretary shall issue 2 renewable energy credits for each kilowatt hour of electric energy generated and supplied to the grid in a calendar year through the use of a renewable energy resource at an eligible facility located on Indian land.

''(ii) BIOMASS.—For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for 2 credits only if the biomass was grown on the land.

''(D) ON-SITE ELIGIBLE FACILITIES.—

''(i) IN GENERAL.—In the case of electric energy generated by a renewable energy resource at an on-site eligible facility that is not larger than 1 megawatt in capacity and is used to offset all or part of the requirements of a customer for electric energy, the Secretary shall issue 3 renewable energy credits to the customer for each kilowatt hour generated.

''(ii) INDIAN LAND.—In the case of an on-site eligible facility on Indian land, the Secretary shall issue not more than 3 credits per kilowatt hour.

''(E) COMBINATION OF RENEWABLE AND NONRENEWABLE ENERGY RESOURCES.—If both a renewable energy resource and a nonrenewable energy resource are used to generate the electric energy, the Secretary shall issue the Federal renewable energy credits based on the proportion of the renewable energy resources used.

''(F) RETAIL ELECTRIC SUPPLIERS.—If a generator has sold electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract for power from an existing facility and the contract has not determined ownership of the Federal renewable energy credits associated with the generation, the Secretary shall issue the Federal renewable energy credits to the retail electric supplier for the duration of the contract.

''(G) COMPLIANCE WITH STATE RENEWABLE PORTFOLIO STANDARD PROGRAMS.—Payments made by a retail electricity supplier, directly or indirectly, to a State for compliance with a State renewable portfolio standard program, or for an alternative compliance mechanism, shall be valued at 1 credit per kilowatt hour for the purpose of subsection (b)(2) based on the quantity of electric energy generation from renewable resources that results from the payments.

''(f) RENEWABLE ENERGY CREDIT TRADING.—

''(1) IN GENERAL.—A Federal renewable energy credit may be sold, transferred, or exchanged by the entity to whom the credit is issued or by any other entity that acquires the Federal renewable energy credit, other than renewable energy credits from existing facilities.

''(2) CARRYOVER.—A Federal renewable energy credit for any year that is not submitted to satisfy the minimum renewable generation requirement of subsection (c) for that year may be carried forward for use pursuant to subsection (b)(1) within the next 3 years.

''(3) DELEGATION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

''(g) RENEWABLE ENERGY CREDIT BORROWING.—

''(1) IN GENERAL.—Not later than December 31, 2016, a retail electric supplier that has reason to believe the retail electric supplier will not be able to fully comply with subsection (b) may—

''(A) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient Federal renewable energy credits within the next 3 calendar years that, when taken into account, will enable the retail electric supplier to meet the requirements of subsection (b) for calendar year 2016 and the subsequent calendar years involved; and

''(B) on the approval of the plan by the Secretary, apply Federal renewable energy credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (b) for each calendar year involved.

''(2) REPAYMENT.—The retail electric supplier shall repay all of the borrowed Federal renewable energy credits by submitting an equivalent number of Federal renewable energy credits, in addition to the credits otherwise required under subsection (b), by calendar year 2023 or any earlier deadlines specified in the approved plan.

''(h) ALTERNATIVE COMPLIANCE PAYMENTS.—As a means of compliance under subsection (b)(4), the Secretary shall accept payment equal to the lesser of—

''(1) 200 percent of the average market value of Federal renewable energy credits and Federal energy efficiency credits for the applicable compliance period; or

''(2) 3 cents per kilowatt hour (as adjusted on January 1 of each year following calendar year 2006 based on the implicit price deflator for the gross national product).

''(i) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

''(1)(A) the annual renewable energy generation of any retail electric supplier; and

''(B) Federal renewable energy credits submitted by a retail electric supplier pursuant to subsection (b)(1);

''(2) the validity of Federal renewable energy credits submitted for compliance by a retail electric supplier to the Secretary; and

''(3) the quantity of electricity sales of all retail electric suppliers.

''(j) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

''(k) STATE PROGRAMS.—

''(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State—

''(A) to adopt or enforce any law (including regulations) respecting renewable energy, including programs that exceed the required quantity of renewable energy under this section; or

''(B) to regulate the acquisition and disposition of Federal renewable energy credits by retail electric suppliers.

''(2) COMPLIANCE WITH SECTION.—No law or regulation referred to in paragraph (1)(A) shall relieve any person of any requirement otherwise applicable under this section.

''(3) COORDINATION WITH STATE PROGRAM.—The Secretary, in consultation with States that have in effect renewable energy programs, shall—

''(A) preserve the integrity of the State programs, including programs that exceed the required quantity of renewable energy under this section; and

''(B) facilitate coordination between the Federal program and State programs.

''(4) EXISTING RENEWABLE ENERGY PROGRAMS.—In the regulations establishing the program under this section, the Secretary shall incorporate common elements of existing renewable energy programs, including State programs, to ensure administrative ease, market transparency and effective enforcement.

''(5) MINIMIZATION OF ADMINISTRATIVE BURDENS AND COSTS.—In carrying out this section, the Secretary shall work with the States to minimize administrative burdens and costs to retail electric suppliers.

''(l) RECOVERY OF COSTS.—An electric utility that has sales of electric energy that are subject to rate regulation (including any utility with rates that are regulated by the Commission and any State regulated electric utility) shall not be denied the opportunity to recover the full amount of the prudently incurred incremental cost of renewable energy obtained to comply with the requirements of subsection (b).

''(m) PROGRAM REVIEW.—

''(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a comprehensive evaluation of all aspects of the program established under this section.

''(2) EVALUATION.—The study shall include an evaluation of—

''(A) the effectiveness of the program in increasing the market penetration and lowering the cost of the eligible renewable energy technologies;

''(B) the opportunities for any additional technologies and sources of renewable energy emerging since the date of enactment of this section;

''(C) the impact on the regional diversity and reliability of supply sources, including the power quality benefits of distributed generation;

''(D) the regional resource development relative to renewable potential and reasons for any investment in renewable resources; and

''(E) the net cost/benefit of the renewable electricity standard to the national and State economies, including—

''(i) retail power costs;

''(ii) the economic development benefits of investment;

''(iii) avoided costs related to environmental and congestion mitigation investments that would otherwise have been required;

''(iv) the impact on natural gas demand and price; and

''(v) the effectiveness of green marketing programs at reducing the cost of renewable resources.

''(3) REPORT.—Not later than January 1, 2019, the Secretary shall transmit to Congress a report describing the results of the evaluation and any recommendations for modifications and improvements to the program.

''(n) STATE RENEWABLE ENERGY ACCOUNT.—

''(1) IN GENERAL.—There is established in the Treasury a State renewable energy account.

''(2) DEPOSITS.—All money collected by the Secretary from the alternative compliance payments under subsection (h) shall be deposited into the State renewable energy account established under paragraph (1).

''(3) GRANTS.—

''(A) IN GENERAL.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to annual appropriations, for a program to provide grants—

''(i) to the State agency responsible for administering a fund to promote renewable energy generation for customers of the State or an alternative agency designated by the State; or

''(ii) if no agency described in clause (i), to the State agency developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

''(B) USE.—The grants shall be used for the purpose of—

''(i) promoting renewable energy production; and

''(ii) providing energy assistance and weatherization services to low-income consumers.

''(C) CRITERIA.—The Secretary may issue guidelines and criteria for grants awarded under this paragraph.

''(D) STATE-APPROVED FUNDING MECHANISMS.—At least 75 percent of the funds provided to each State for each fiscal year shall be used to promote renewable energy production through grants, production incentives, or other State-approved funding mechanisms.

''(E) ALLOCATION.—The funds shall be allocated to the States on the basis of retail electric sales subject to the renewable electricity standard under this section or through voluntary participation.

''(F) RECORDS.—State agencies receiving grants under this paragraph shall maintain such records and evidence of compliance as the Secretary may require.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 609. Rural and remote communities electrification grants.

''Sec. 610. Renewable electricity standard.''.

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**SA 3102.** Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. CLEAN ENERGY VICTORY BONDS.**

(a) IN GENERAL.—Not later than July 1, 2016, the Secretary of the Treasury, in coordination with the Secretary of Energy and the Secretary of Defense, shall submit a report to Congress that provides recommendations for the establishment, issuance, and promotion of Clean Energy Victory Bonds by the Department of the Treasury (referred to in this section as the ''Clean Energy Victory Bonds Program'').

(b) REQUIREMENTS.—For purposes of subsection (a), the Clean Energy Victory Bonds Program shall be designed to—

(1) ensure that any available proceeds from the issuance of Clean Energy Victory Bonds are used to finance clean energy projects (as defined in subsection (c)) at the Federal, State, and local level, which may include—

(A) providing additional support to existing Federal financing programs available to States for energy efficiency upgrades and clean energy deployment, and

(B) providing funding for clean energy investments by the Department of Defense and other Federal agencies,

(2) provide for payment of interest to persons holding Clean Energy Victory Bonds through such methods as are determined appropriate by the Secretary of the Treasury, including amounts—

(A) recaptured from savings achieved through reduced energy spending by entities receiving any funding or financial assistance described in paragraph (1), and

(B) collected as interest on loans financed or guaranteed under the Clean Energy Victory Bonds Program,

(3) issue bonds in denominations of not less than $25 or such amount as is determined appropriate by the Secretary of the Treasury to make them generally accessible to the public, and

(4) collect not more than $50,000,000,000 in revenue from the issuance of Clean Energy Victory Bonds for purposes of financing clean energy projects described in paragraph (1).

(c) CLEAN ENERGY PROJECT.—The term ''clean energy project'' means a project which provides—

(1) performance-based energy efficiency improvements, or

(2) clean energy improvements, including—

(A) electricity generated from solar, wind, geothermal, micro-hydropower, and hydrokinetic energy sources,

(B) fuel cells using non-fossil fuel sources,

(C) advanced batteries,

(D) next generation biofuels from non-food feedstocks, and

(E) electric vehicle infrastructure.

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**SA 3103.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES.**

Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking ''plus $75,000,000'' and inserting ''and the liability of the responsible party under section 1002''.

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**SA 3104.** Mr. MENENDEZ (for himself, Ms. WARREN, Mr. BOOKER, Ms. MIKULSKI, Mr. MARKEY, Mr. BLUMENTHAL, Mr. SANDERS, Mr. WHITEHOUSE, Mr. NELSON, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 31____. PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.**

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Notwithstanding any other provision of this section or any other law, the Secretary of the Interior shall not issue a lease or any other authorization for the exploration, development, or production of oil, natural gas, or any other mineral in—

''(1) the Mid-Atlantic planning area;

''(2) the South Atlantic planning area; or

''(3) the North Atlantic planning area.''.

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**SA 3105.** Mr. MENENDEZ (for himself, Mr. MARKEY, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. MERKLEY, Mrs. MURRAY, Mr. NELSON, Mr. LEAHY, Mr. CARDIN, Mrs. BOXER, Ms. KLOBUCHAR, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE VI—ELIMINATING TAX LOOPHOLES FOR BIG OIL**

**SEC. 6001. SHORT TITLE.**

This title may be cited as the ''Close Big Oil Tax Loopholes Act''.

**Subtitle A—Close Big Oil Tax Loopholes**

**SEC. 6011. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.**

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company

(within the meaning of section 167(h)(5)) to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

**SEC. 6012. LIMITATION ON SECTION 199 DEDUCTION ATTRIBUTABLE TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.**

(a) DENIAL OF DEDUCTION.—Paragraph (4) of section 199(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR CERTAIN OIL AND GAS INCOME.—In the case of any taxpayer who is a major integrated oil company (within the meaning of section 167(h)(5)) for the taxable year, the term 'domestic production gross receipts' shall not include gross receipts from the production, refining, processing, transportation, or distribution of oil, gas, or any primary product (within the meaning of subsection (d)(9)) thereof.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. 6013. LIMITATION ON DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS; AMORTIZATION OF DISALLOWED AMOUNTS.**

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS AND GEOTHERMAL WELLS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), and except as provided in subsection (i), regulations shall be prescribed by the Secretary under this subtitle corresponding to the regulations which granted the option to deduct as expenses intangible drilling and development costs in the case of oil and gas wells and which were recognized and approved by the Congress in House Concurrent Resolution 50, Seventy-ninth Congress. Such regulations shall also grant the option to deduct as expenses intangible drilling and development costs in the case of wells drilled for any geothermal deposit (as defined in section 613(e)(2)) to the same extent and in the same manner as such expenses are deductible in the case of oil and gas wells. This subsection shall not apply with respect to any costs to which any deduction is allowed under section 59(e) or 291.

''(2) EXCLUSION.—

''(A) IN GENERAL.—This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)).

''(B) AMORTIZATION OF AMOUNTS NOT ALLOWABLE AS DEDUCTIONS UNDER SUBPARAGRAPH (A).—The amount not allowable as a deduction for any taxable year by reason of subparagraph (A) shall be allowable as a deduction ratably over the 60-month period beginning with the month in which the costs are paid or incurred. For purposes of section 1254, any deduction under this subparagraph shall be treated as a deduction under this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2015.

**SEC. 6014. LIMITATION ON PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.**

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) APPLICATION WITH RESPECT TO MAJOR INTEGRATED OIL COMPANIES.—In the case of any taxable year in which the taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)), the allowance for percentage depletion shall be zero.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. 6015. LIMITATION ON DEDUCTION FOR TERTIARY INJECTANTS.**

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) APPLICATION WITH RESPECT TO MAJOR INTEGRATED OIL COMPANIES.—

''(1) IN GENERAL.—This section shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)).

''(2) AMORTIZATION OF AMOUNTS NOT ALLOWABLE AS DEDUCTIONS UNDER PARAGRAPH (1).—The amount not allowable as a deduction for any taxable year by reason of paragraph (1) shall be allowable as a deduction ratably over the 60-month period beginning with the month in which the costs are paid or incurred.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2015.

**SEC. 6016. MODIFICATION OF DEFINITION OF MAJOR INTEGRATED OIL COMPANY.**

(a) IN GENERAL.—Paragraph (5) of section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) CERTAIN SUCCESSORS IN INTEREST.—For purposes of this paragraph, the term 'major integrated oil company' includes any successor in interest of a company that was described in subparagraph (B) in any taxable year, if such successor controls more than 50 percent of the crude oil production or natural gas production of such company.''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 167(h)(5) of the Internal Revenue Code of 1986 is amended by inserting ''except as provided in subparagraph (C),'' after ''For purposes of this paragraph,''.

(2) TAXABLE YEARS TESTED.—Clause (iii) of section 167(h)(5)(B) of such Code is amended—

(A) by striking ''does not apply by reason of paragraph (4) of section 613A(d)'' and inserting ''did not apply by reason of paragraph (4) of section 613A(d) for any taxable year after 2004'', and

(B) by striking ''does not apply'' in subclause (II) and inserting ''did not apply for the taxable year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**Subtitle B—Outer Continental Shelf Oil and Natural Gas**

**SEC. 6021. REPEAL OF OUTER CONTINENTAL SHELF DEEP WATER AND DEEP GAS ROYALTY RELIEF.**

(a) IN GENERAL.—Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

(b) ADMINISTRATION.—The Secretary of the Interior shall not be required to provide for royalty relief in the lease sale terms beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published.

**Subtitle C—Miscellaneous**

**SEC. 6031. DEFICIT REDUCTION.**

The net amount of any savings realized as a result of the enactment of this title and the amendments made by this title (after any expenditures authorized by this title and the amendments made by this title) shall be deposited in the Treasury and used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

**SEC. 6032. BUDGETARY EFFECTS.**

The budgetary effects of this title, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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**SA 3106.** Mr. CASSIDY (for himself, Mr. CORNYN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. REPORTS.**

(a) DEFINITIONS.—In this section:

(1) BSEE.—The term ''BSEE'' means the Bureau of Safety and Environmental Enforcement.

(2) PROPOSED RULE.—The term ''proposed rule'' means the proposed rule of the BSEE entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf – Blowout Preventer Systems and Well Control'' (80 Fed. Reg. 21504 (April 17, 2015)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the BSEE is operating.

(b) REPORT REQUIRED.—Not later than the later of 90 days after the date of enactment of this Act or the day before the date of publication of the final version of the proposed rule, the Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report containing an analysis of the proposed rule—

(1) to demonstrate the extent to which industry and government have already effectively and comprehensively enhanced offshore safety;

(2) to identify any existing gaps and the best manner with which to fill those gaps; and

(3) to identify and provide justification for any improvements to safety claimed in the proposed regulations and rules.

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**SA 3107.** Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IV, add the following:

**SEC. 44___. NATIONAL SCENIC TRAILS.**

(a) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended, in the third sentence, by inserting ''as a unit of the National Park System'' before the period at the end.

(b) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by striking the third and fourth sentences and inserting ''The trail shall be administered by the Secretary of the Interior as a unit of the National Park System.''.

(c) NEW ENGLAND NATIONAL SCENIC TRAIL.—Section 5(a)(28) of the National Trails System Act (16 U.S.C. 1244(a)(28)) is amended, in the third sentence, by inserting ''as a unit of the National Park System'' after ''administer the trail''.

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**SA 3108.** Mr. WYDEN (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VI—FOREST WILDFIRE FUNDING AND FOREST MANAGEMENT**

**Subtitle A—Major Disaster for Wildfire on Federal Land**

**SEC. 6001. WILDFIRE ON FEDERAL LAND.**

Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended—

(1) by striking ''(2)'' and all that follows through ''means'' and inserting the following:

''(2) MAJOR DISASTER.—

''(A) MAJOR DISASTER.—The term 'major disaster' means'';

(2) by adding at the end the following:

''(B) MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND.—The term 'major disaster for wildfire on Federal land' means any wildfire or wildfires, which in the determination of the President under section 802 warrants assistance under section 803 to supplement the efforts and resources of the Department of the Interior or the Department of Agriculture—

''(i) on Federal land; or

''(ii) on non-Federal land pursuant to a fire protection agreement or cooperative agreement.''.

**SEC. 6002. DECLARATION OF A MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND.**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

**''TITLE VIII—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND**

**''SEC. 801. DEFINITIONS.**

''In this title:

''(1) FEDERAL LAND.—The term 'Federal land' means—

''(A) any land under the jurisdiction of the Department of the Interior; and

''(B) any land under the jurisdiction of the United States Forest Service.

''(2) FEDERAL LAND MANAGEMENT AGENCIES.—The term 'Federal land management agencies' means—

''(A) the Bureau of Land Management;

''(B) the National Park Service;

''(C) the Bureau of Indian Affairs;

''(D) the United States Fish and Wildlife Service; and

''(E) the United States Forest Service.

''(3) WILDFIRE SUPPRESSION OPERATIONS.—The term 'wildfire suppression operations' means the emergency and unpredictable aspects of wildland firefighting, including support, response, emergency stabilization activities, and other emergency management activities of wildland firefighting on Federal land (or on non-Federal land pursuant to a fire protection agreement or cooperative agreement) by the Federal land management agencies covered by the wildfire suppression subactivity of the Wildland Fire Management accounts or the FLAME Wildfire Suppression Reserve Fund account of the Federal land management agencies.

**''SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND.**

''(a) IN GENERAL.—The Secretary of the Interior or the Secretary of Agriculture may submit a request to the President consistent with the requirements of this title for a declaration by the President that a major disaster for wildfire on Federal land exists.

''(b) REQUIREMENTS.—A request for a declaration by the President that a major disaster for wildfire on Federal land exists shall—

''(1) be made in writing by the respective Secretary;

''(2) certify that, in the current fiscal year, the amount appropriated for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary, net of any concurrently enacted rescissions of wildfire suppression funds, increases the total unobligated balance of amounts available for wildfire suppression by an amount equal to at least 70 percent of the average total costs incurred by the Federal land management agencies per year for wildfire suppression operations, including the suppression costs in excess of appropriated amounts, over the previous ten fiscal years;

''(3) certify that, in the current fiscal year, an amount equal to at least 30 percent of the average total costs incurred by the Federal land management agencies per year for wildfire suppression operations, including the suppression costs in excess of appropriated amounts, over the previous ten fiscal years, has been appropriated for the Federal land management agencies under the jurisdiction of the respective Secretary for the purpose funding—

''(A) projects and activities on Federal land that improve the fire regime of areas that meet the desired future conditions of the applicable land and resource management plan or land use plan; or

''(B) restoration and resiliency projects and activities on Federal land that meet the desired future conditions of the applicable land and resource management plan or land use plan;

''(4) certify that, in the current fiscal year—

''(A) the total of the amounts certified under paragraphs (2) and (3) are equal to at least 100 percent of the average total costs incurred by the Federal land management agencies per year for wildfire suppression operations, including the suppression costs in excess of appropriated amounts, over the previous ten fiscal years; and

''(B) the amount certified under paragraph (3) is in addition to and supplements other appropriations for the Federal land management agencies for projects and activities of the type described in subparagraphs (A) and (B) of paragraph (3) that equal or exceed the total amount appropriated for such projects and activities for fiscal year 2015, subject to the condition that such 2015 threshold amount shall be adjusted annually beginning with fiscal year 2017 to reflect changes over the preceding fiscal year in the Consumer Price Index for all-urban consumers published by the Secretary of Labor;

''(5) certify that the amount available for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary will be obligated not later than 30 days after such Secretary notifies the President that wildfire suppression funds will be exhausted to fund ongoing and anticipated wildfire suppression operations related to the wildfire on which the request for the declaration of a major disaster for wildfire on Federal land pursuant to this title is based; and

''(6) specify the amount required in the current fiscal year to fund wildfire suppression operations related to the wildfire on which the request for the declaration of a major disaster for wildfire on Federal land pursuant to this title is based.

''(c) DECLARATION.—Based on the request of the respective Secretary under this title, the President may declare that a major disaster for wildfire on Federal land exists.

''(d) LIST OF PROJECTS REPORTING REQUIREMENT.—Not later than November 1 of each fiscal year, the Secretary of Agriculture and the Secretary of the Interior shall each submit to the Committees on Agriculture, Appropriations, and Natural Resources of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry, Appropriations, and Natural Resources of the Senate a list of projects and activities of the type described in subparagraphs (A) and (B) of subsection (b)(3) to be conducted using funds described in subsection (b)(3).

**''SEC. 803. WILDFIRE ON FEDERAL LAND ASSISTANCE.**

''(a) IN GENERAL.—In a major disaster for wildfire on Federal land, the President may direct the transfer of funds, only from the account established pursuant to subsection (b), to the Secretary of the Interior or the Secretary of Agriculture to conduct wildfire suppression operations on Federal land (and non-Federal land pursuant to a fire protection agreement or cooperative agreement).

''(b) WILDFIRE SUPPRESSION OPERATIONS DISASTER ACCOUNT.—

''(1) IN GENERAL.—There is established a specific account for the assistance available pursuant to a declaration under section 802.

''(2) USE.—The account established by paragraph (1) may only be used to fund assistance pursuant to this title.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the account established by paragraph (1) such sums as are necessary to carry out the purposes of a declaration under section 802, but not to exceed the limitations specified in subsection (c)(2).

''(c) LIMITATIONS.—

''(1) LIMITATIONS RELATED TO REQUEST AND ACCOUNT AMOUNTS.—The assistance available pursuant to a declaration under section 802 is limited to the transfer of the amount requested pursuant to section 802(b)(6). The assistance available for transfer shall not exceed the amount contained in the wildfire suppression operations account established pursuant to subsection (b).

''(2) MAXIMUM TRANSFER AMOUNT LIMITATION.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for wildfire suppression operations in the Wildland Fire Management accounts of the Department of Agriculture or the Department of the Interior, then the total amount of assistance appropriated to and transferred from the account established pursuant to subsection (b) and pursuant to a declaration under section 802 for wildfire suppression operations, to the Wildland Fire Management accounts of the Department of Agriculture and the Department of the Interior, for that fiscal year, shall not exceed $1,647,000,000.

''(3) TRANSFER OF FUNDS.—Funds under this section shall be transferred from the wildfire suppression operations account to the wildfire suppression subactivity of the Wildland Fire Management Accounts. The transferred funds shall remain available until expended.

''(d) PROHIBITION OF OTHER TRANSFERS.—Except as provided in this section, no funds may be transferred to or from the account established pursuant to subsection (b) to or from any other fund or account.

''(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION OPERATIONS ON NON-FEDERAL LAND.—If amounts transferred under subsection (c) are used to conduct wildfire suppression operations on non-Federal land, the respective Secretary shall—

''(1) secure reimbursement for the cost of such wildfire suppression operations conducted on the non-Federal land; and

''(2) transfer the amounts received as reimbursement to the wildfire suppression operations disaster account established pursuant to subsection (b).

''(f) ANNUAL ACCOUNTING AND REPORTING REQUIREMENTS.—Not later than 90 days after the end of each fiscal year for which assistance is received pursuant to this section, the respective Secretary shall submit to the Committees on Agriculture, Appropriations, the Budget, Natural Resources, and Transportation and Infrastructure of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry, Appropriations, the Budget, Energy and Natural Resources, Homeland Security and Governmental Affairs, and Indian Affairs of the Senate, and make available to the public, a report that includes the following:

''(1) The risk-based factors that influenced management decisions regarding wildfire suppression operations of the Federal land management agencies under the jurisdiction of the Secretary concerned.

''(2) Specific discussion of a statistically significant sample of large fires, in which each fire is analyzed for cost drivers, effectiveness of risk management techniques, resulting positive or negative impacts of fire on the landscape, impact of investments in preparedness, suggested corrective actions, and such other factors as the respective Secretary considers appropriate.

''(3) Total expenditures for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary, broken out by fire sizes, cost, regional location, and such other factors as such Secretary considers appropriate.

''(4) Lessons learned.

''(5) Such other matters as the respective Secretary considers appropriate.

''(g) SAVINGS PROVISION.—Except as provided in subsections (c) and (d), nothing in this title shall limit the Secretary of the Interior, the Secretary of Agriculture, Indian tribe, or a State from receiving assistance through a declaration made by the President under this Act when the criteria for such declaration have been met.''.

**SEC. 6003. PROHIBITION ON TRANSFERS.**

No funds may be transferred to or from the Federal land management agencies' wildfire suppression operations accounts referred to in section 801(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to or from any account or subactivity of the Federal land management agencies, as defined in section 801(2) of such Act, that is not used to cover the cost of wildfire suppression operations.

**SEC. 6004. EFFECTIVE DATE.**

The amendments made by this subtitle shall take effect on October 1, 2016.

## Subtitle B—Forest Management

**SEC. 6011. EXPEDITED COLLABORATIVE FOREST MANAGEMENT ACTIVITIES.**

(a) DEFINITIONS.—In this section:

(1) COLLABORATIVE PROCESS.—The term ''collaborative process'' means a process that relates to the management of National Forest System land or public land, by which a forest management activity is proposed—

(A) by a resource advisory committee through collaboration with interested persons, as described in section 603(b)(1)(C) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b(b)(1)(C));

(B) by a collaborative that meets the requirements under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303); or

(C) by a group not covered by subparagraph (A) or (B), but that—

(i) includes multiple individuals who provide balanced and broad representation of diverse interests, including, if relevant and interested, but not limited to—

(I) environmental organizations;

(II) timber and forest products industry representatives;

(III) State agencies;

(IV) units of local government;

(V) tribal governments; and

(VI) outdoor recreational representatives; and

(ii) operates—

(I) in a transparent and nonexclusive manner; and

(II) by consensus or in accordance with voting procedures to ensure a high degree of agreement among participants and across various interests.

(2) FOREST MANAGEMENT ACTIVITY.—The term ''forest management activity'' means a project or activity carried out by the Secretary concerned on National Forest System land or public land in conjunction with the resource management plan covering the National Forest System land or public land.

(3) RESOURCE ADVISORY COMMITTEE.—The term ''resource advisory committee'' has the meaning given that term in section 201 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121).

(4) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' has the meaning given that term in section 101(13) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(13)).

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to public land.

(b) COLLABORATIVE MANAGEMENT ACTIVITIES.—

(1) APPLICABILITY.—This subsection may apply in any case in which the Secretary concerned prepares an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a project for a forest management activity described in paragraph (2).

(2) DESCRIPTION OF PROJECTS.—A project for a forest management activity referred to in paragraph (1) is a project to carry out forest restoration treatments that—

(A) maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to uncharacteristic wildfire, insects, and disease;

(B) considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity; and

(C) is developed and implemented through a collaborative process.

(3) CONSIDERATION OF ALTERNATIVES.—In an environmental assessment or environmental impact statement described in paragraph (1), the Secretary concerned shall study, develop, and describe not more than the following alternatives:

(A) Carrying out the project for a forest management activity, as proposed under paragraph (1).

(B) The alternative of no action.

(4) LIMITATIONS.—Except as provided in this subsection, nothing in this subsection preempts or interferes with any obligation to comply with the provisions of any Federal law, including—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); or

(C) any other Federal environmental law.

(c) CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN CRITICAL RESPONSE ACTIONS.—

(1) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary concerned to develop and carry out a forest management activity on National Forest System land or public land in any case in which—

(A) the forest management activity is developed and recommended through a collaborative process; and

(B) the primary purpose of the forest management activity is—

(i) to reduce hazardous fuel loads on land in, or related to, a wildland-urban interface;

(ii) to protect a municipal water source, if the municipality is within 100 miles of the area to be treated; or

(iii) any combination of the purposes specified in clauses (i) and (ii).

(2) REQUIREMENTS.—A forest management activity covered by the categorical exclusion granted by paragraph (1) is a project to carry out forest restoration treatments that—

(A) may not contain harvest units exceeding a total of 3,000 acres;

(B) maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to uncharacteristic wildfire; and

(C) considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity.

(d) CATEGORICAL EXCLUSION TO MEET RESOURCE MANAGEMENT PLAN GOALS FOR EARLY SUCCESSIONAL FORESTS.—

(1) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary concerned to develop and carry out a forest management activity on National Forest System land or public land in any case in which—

(A) the forest management activity is developed and recommended through a collaborative process; and

(B) the primary purpose of the forest management activity is to modify, improve, enhance, or create early successional forests for wildlife habitat improvement and other purposes, consistent with the applicable resource management plan.

(2) PROJECT GOALS.—To the maximum extent practicable, the Secretary concerned shall design a forest management activity under this subsection to meet early successional forest goals in such a manner so as to maximize production and regeneration of priority species, as identified in the resource management plan and consistent with the capability of the activity site.

(3) REQUIREMENTS.—A forest management activity covered by the categorical exclusion granted by paragraph (1) is a project that—

(A) consists of not more than 250 acres, comprised of noncontiguous units to create a mosaic of age classes in accordance with the resource management plan;

(B) contains harvest units, consistent with the applicable resource management plan;

(C) creates early seral habitat, consistent with the applicable resource management plan;

(D) assists in meeting resource management plan objectives for retention of old-growth stands and retention of old-growth trees, consistent with resource management plan objectives; and

(E) considers the best available scientific information to maintain or restore early seral habitat.

(e) ROADS.—

(1) PERMANENT ROADS.—A project carried out under this section shall not include the construction of new permanent roads.

(2) EXISTING ROADS.—The Secretary concerned may carry out necessary maintenance of, repairs to, or reconstruction of an existing permanent road for the purposes of this section.

(3) TEMPORARY ROADS.—The Secretary concerned shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

(f) EXCLUSIONS.—This section does not apply to—

(1) a component of the National Wilderness Preservation System;

(2) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation prohibited;

(3) a congressionally designated wilderness study area;

(4) an inventoried roadless area; or

(5) an area in which the activities authorized under this section would be inconsistent with the applicable resource management plan.

(g) RESOURCE MANAGEMENT PLANS.—All projects and activities carried out under this subsection shall be consistent with the resource management plan applicable to the National Forest System land or public land containing the projects and activities.

(h) PUBLIC NOTICE AND SCOPING.—The Secretary concerned shall conduct public notice and scoping for any project or action proposed in accordance with this section.

**SEC. 6012. STATE-SUPPORTED PLANNING OF FOREST MANAGEMENT ACTIVITIES.**

(a) DEFINITIONS.—In this section:

(1) COLLABORATIVE PROCESS.—The term ''collaborative process'' means a process that relates to the management of National Forest System land or public land, by which a forest management activity is proposed—

(A) by a resource advisory committee through collaboration with interested persons, as described in section 603(b)(1)(C) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b(b)(1)(C));

(B) by a collaborative that meets the requirements under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303); or

(C) by a group not covered by subparagraph (A) or (B), but that—

(i) includes multiple individuals who provide balanced and broad representation of diverse interests, including, if relevant and interested, but not limited to—

(I) environmental organizations;

(II) timber and forest products industry representatives;

(III) State agencies;

(IV) units of local government;

(V) tribal governments; and

(VI) outdoor recreational representatives; and

(ii) operates—

(I) in a transparent and nonexclusive manner; and

(II) by consensus or in accordance with voting procedures to ensure a high degree of agreement among participants and across various interests.

(2) COMMUNITY WILDFIRE PROTECTION PLAN.—The term ''community wildfire protection plan'' has the meaning given that term in section 101(3) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(3)).

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State or political subdivision of a State containing National Forest System land or public land;

(B) a publicly chartered utility serving one or more States or a political subdivision thereof;

(C) a rural electric company; and

(D) any other entity determined by the Secretary concerned to be appropriate for participation in the Fund.

(4) FUND.—The term ''Fund'' means the State-Supported Forest Management Fund established by subsection (b).

(5) RESOURCE ADVISORY COMMITTEE.—The term ''resource advisory committee'' has the meaning given that term in section 201 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121).

(6) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to public land.

(b) STATE-SUPPORTED FOREST MANAGEMENT FUND.—There is established in the Treasury of the United States a fund, to be known as the ''State-Supported Forest Management Fund'', to cover the cost of planning (especially as relating to compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))), carrying out, and monitoring certain forest management activities on National Forest System land or public land.

(c) CONTENTS.—The Fund shall consist of such amounts as may be—

(1) contributed by an eligible entity for deposit in the Fund;

(2) appropriated to the Fund; or

(3) generated by forest management activities carried out using amounts in the Fund.

(d) GEOGRAPHICAL AND USE LIMITATIONS.—In making a contribution under subsection (c)(1), an eligible entity may—

(1) specify the National Forest System land or public land for which the contribution may be expended; and

(2) limit the types of forest management activities for which the contribution may be expended.

(e) AUTHORIZED FOREST MANAGEMENT ACTIVITIES.—In such amounts as may be provided in advance in appropriations Acts, the Secretary concerned may use the Fund to plan, carry out, and monitor a forest management activity that is—

(1) developed through a collaborative process; or

(2) covered by a community wildfire protection plan.

(f) IMPLEMENTATION METHODS.—

(1) IN GENERAL.—A forest management activity carried out using amounts in the Fund may be carried out pursuant to—

(A) a contract or agreement under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c);

(B) the good neighbor authority provided under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a);

(C) a contract under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a); or

(D) any other authority available to the Secretary concerned.

(2) USE OF REVENUES.—Any revenue generated by a forest management activity described in paragraph (1) shall be used to reimburse the Fund for planning costs covered using amounts in the Fund.

(g) RELATION TO OTHER LAWS.—

(1) REVENUE SHARING.—Subject to subsection (f), revenues generated by a forest management activity carried out using amounts from the Fund shall be considered monies received from the National Forest System.

(2) KNUTSON-VANDENBERG ACT.—The Act of June 9, 1930 (commonly known as the ''Knutson-Vandenberg Act'') (16 U.S.C. 576 et seq.), shall apply to any forest management activity carried out using amounts in the Fund.

(h) TERMINATION OF FUND.—

(1) TERMINATION.—The Fund shall terminate on the date that is 10 years after the date of enactment of this Act.

(2) EFFECT OF TERMINATION.—On termination of the Fund under paragraph (1) or pursuant to any other provision of law, any unobligated contribution remaining in the Fund shall be returned to the eligible entity that made the contribution.

**SEC. 6013. FOREST SERVICE LEGACY ROADS AND TRAILS REMEDIATION PROGRAM.**

(a) IN GENERAL.—The Secretary of Agriculture shall establish and maintain a Forest Service Legacy Roads and Trails Remediation Program within the National Forest System—

(1) to carry out critical maintenance and urgent repairs and improvements on National Forest System roads, trails, and bridges;

(2) to restore fish and other aquatic organism passage by removing or replacing unnatural barriers to the passage of fish and other aquatic organisms;

(3) to decommission unneeded roads and trails; and

(4) to carry out associated activities.

(b) PRIORITY.—In implementing the Forest Service Legacy Roads and Trails Remediation Program, the Secretary of Agriculture shall give priority to projects that protect or restore—

(1) water quality;

(2) watersheds that feed public drinking water systems; or

(3) habitat for threatened, endangered, and sensitive fish and wildlife species.

(c) NATIONAL FOREST SYSTEM.—Except as authorized under section 323 of title III of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011a), all projects carried out under the Forest Service Legacy Roads and Trails Remediation Program shall be on National Forest System roads.

(d) NATIONAL PROGRAM STRATEGY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall develop a national strategy for implementing the Forest Service Legacy Roads and Trails Remediation Program.

**SEC. 6014. WATER SOURCE PROTECTION PROGRAM AND WATERSHED CONDITION FRAMEWORK.**

Subtitle A of title III of the Omnibus Public Land Management Act of 2009 (Public Law 111–11) is amended by adding at the end the following:

**"SEC. 3002. WATER SOURCE PROTECTION PROGRAM FOR NATIONAL FOREST SYSTEM LAND.**

''(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the 'Secretary'), shall establish and maintain a Water Source Protection Program for National Forest System land derived from the public domain.

''(b) WATER SOURCE INVESTMENT PARTNERSHIPS.—

''(1) IN GENERAL.—In carrying out the Water Source Protection Program, the Secretary may enter into water source investment partnerships with end water users (including States, political subdivisions, Indian tribes, utilities, municipal water systems, irrigation districts, nonprofit organizations, and corporations) to protect and restore the condition of National Forest watersheds that provide water to the non-Federal partners.

''(2) FORM.—A partnership described in paragraph (1) may take the form of memoranda of understanding, cost-share or collection agreements, long-term match funding commitments, or other appropriate instruments.

''(c) WATER SOURCE MANAGEMENT PLAN.—

''(1) IN GENERAL.—In carrying out the Water Source Protection Program, the Secretary may produce a water source management plan in cooperation with the water source investment partnership participants and State, local, and tribal governments.

''(2) FIREWOOD.—A water source management plan may give priority to projects that facilitate the gathering of firewood for personal use pursuant to section 223.5 of title 36, Code of Federal Regulations (or successor regulations).

''(3) ENVIRONMENTAL ANALYSIS.—The Secretary may conduct—

''(A) a single environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for all or part of the restoration projects in the water source management plan; and

''(B) a statement or analysis described in subparagraph (A) as part of the development of the water source management plan or after the finalization of the plan.

''(4) ENDANGERED SPECIES ACT.—In carrying out the Water Source Protection Program, the Secretary may use the Manual on Adaptive Management of the Department of the Interior, including any associated guidance, for purposes of fulfilling any requirements under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

''(5) FUNDS AND SERVICES.—

''(A) IN GENERAL.—In carrying out the Water Source Protection Program, the Secretary may accept and use funding, services, and other forms of investment and assistance from water source investment partnership participants to implement the water source management plan.

''(B) MANNER OF USE.—The Secretary may accept and use investments described in subparagraph (A) directly or indirectly through the National Forest Foundation.

''(C) WATER SOURCE PROTECTION FUND.—

''(i) IN GENERAL.—Subject to the availability of appropriations, the Secretary may establish a Water Source Protection Fund to match funds or in-kind support contributed by water source investment partnership participants under subparagraph (A).

''(ii) USE OF APPROPRIATED FUNDS.—The Secretary may use funds appropriated to carry out this subparagraph to make multiyear commitments, if necessary, to implement 1 or more water source investment partnership agreements.

**"SEC. 3003. WATERSHED CONDITION FRAMEWORK FOR NATIONAL FOREST SYSTEM LAND.**

''(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the 'Secretary'), shall establish and maintain a Watershed Condition Framework for National Forest System land derived from the public domain—

''(1) to evaluate and classify the condition of watersheds, taking into consideration—

''(A) water quality and quantity;

''(B) aquatic habitat and biota;

''(C) riparian and wetland vegetation;

''(D) the presence of roads and trails;

''(E) soil type and condition;

''(F) groundwater-dependent ecosystems;

''(G) relevant terrestrial indicators, such as fire regime, risk of catastrophic fire, forest and rangeland vegetation, invasive species, and insects and disease; and

''(H) other significant factors, as determined by the Secretary;

''(2) to identify for restoration up to 5 priority watersheds in each National Forest, and up to 2 priority watersheds in each national grassland, taking into consideration the impact of the condition of the watershed condition on—

''(A) wildfire behavior;

''(B) flood risk;

''(C) fish and wildlife;

''(D) drinking water supplies;

''(E) irrigation water supplies;

''(F) forest-dependent communities; and

''(G) other significant impacts, as determined by the Secretary;

''(3) to develop a watershed restoration action plan for each priority watershed that—

''(A) takes into account existing restoration activities being implemented in the watershed; and

''(B) includes, at a minimum—

''(i) the major stressors responsible for the impaired condition of the watershed;

''(ii) a set of essential projects that, once completed, will address the identified stressors and improve watershed conditions;

''(iii) a proposed implementation schedule;

''(iv) potential partners and funding sources; and

''(v) a monitoring and evaluation program;

''(4) to prioritize restoration activities for each watershed restoration action plan;

''(5) to implement each watershed restoration action plan; and

''(6) to monitor the effectiveness of restoration actions and indicators of watershed health.

''(b) COORDINATION.—Throughout the process described in subsection (a), the Secretary shall—

''(1) coordinate with interested non-Federal landowners and with State, tribal, and local governments within the relevant watershed; and

''(2) provide for an active and ongoing public engagement process.

''(c) EMERGENCY DESIGNATION.—Notwithstanding subsection (a)(2), the Secretary may identify a watershed as a priority for rehabilitation in the Watershed Condition Framework without using the process described in subsection (a), if a Forest Supervisor determines that—

''(1) a wildfire has significantly diminished the condition of the watershed; and

''(2) the emergency stabilization activities of the Burned Area Emergency Response Team are insufficient to return the watershed to proper function.''.

**SEC. 6015. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.**

(a) SELECTION PROCESS.—Section 4003(f)(4) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)(4)) is amended by adding at the end the following:

''(C) PREQUALIFICATION.—

''(i) IN GENERAL.—Before awarding a contract funded by the Fund, the Secretary shall determine whether the contractor has the ability to complete the proposed restoration activities, including—

''(I) the financial ability to raise the funds necessary for the proposed restoration activities; and

''(II) sufficient capacity to perform the type and scope of the proposed restoration activities.

''(ii) CRITERIA.—If the Department does not have sufficient expertise to develop and evaluate criteria to make a determination under clause (i), the Secretary shall seek the assistance of other agencies or third-party consultants for purposes of developing and evaluating the criteria.''.

(b) REAUTHORIZATION OF COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—Section 4003(f)(6) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)(6)) is amended by striking ''2019, to remain available until expended'' and inserting ''2014, and $60,000,000 for each of fiscal years 2016 through 2024, to remain available until expended''.

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**SA 3109.** Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, between lines 15 and 16, insert the following:

(d) CONSIDERATION OF EFFECT ON AMERICAN CONSUMER PRICES.—Notwithstanding any other provision in this section, the Secretary may only approve an application for the exportation of natural gas as described in subsection (a) if the Secretary makes a determination that the exportation of natural gas will not cause an increase in the price of natural gas for American consumers.

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**SA 3110.** Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 34___. SEVERE FUEL SUPPLY EMERGENCY RESPONSE.**

The Federal Power Act is amended by inserting after section 215 (16 U.S.C. 824o) the following:

**"SEC. 215A. EMERGENCY RESPONSE TO COAL SUPPLY DEFICIENCIES.**

''(a) DEFINITIONS.—In this section:

''(1) BOARD.—The term 'Board' means the Surface Transportation Board.

''(2) BULK-POWER SYSTEM.—The term 'bulk-power system' has the meaning given the term in section 215.

''(3) ELECTRIC RELIABILITY ORGANIZATION.—The term 'Electric Reliability Organization' has the meaning given the term in section 215.

''(4) FORM OE-417.—The term 'Form OE-417' means the form entitled 'Electric Emergency Incident and Disturbance Report' and filed in accordance with the Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.).

''(5) REGIONAL ENTITY.—The term 'Regional Entity' means an entity delegated authority by the Electric Reliability Organization to propose and enforce reliability standards in the region of the entity.

''(6) RELIABILITY COORDINATOR.—The term 'Reliability Coordinator' means an entity recognized by the Electric Reliability Organization as responsible for continually assessing transmission reliability and coordinating emergency operations to ensure the reliable operation of the bulk-power system.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(8) SEVERE FUEL SUPPLY EMERGENCY.—The term 'severe fuel supply emergency' means a coal supply deficiency reported to the Department of Energy on Form OE-417.

''(b) COORDINATED RESPONSE TO EMERGENCIES.—

''(1) IN GENERAL.—The Secretary shall lead the Federal response to severe fuel supply emergencies.

''(2) DUTIES OF THE SECRETARY.—On the filing of a Form OE-417 that reports a severe fuel supply emergency, the Secretary shall—

''(A) promptly investigate the circumstances of the severe fuel supply emergency;

''(B) notify the Board and the Federal Energy Regulatory Commission of the existence of the severe fuel supply emergency;

''(C) convene a meeting with the Board, the Federal Energy Regulatory Commission, and, as appropriate, the Electric Reliability Organization and affected Regional Entities and Reliability Coordinators; and

''(D) submit in writing to the Board and the Federal Energy Regulatory Commission, and post publicly on the website of the Department of Energy, recommendations for actions the Board or Federal Energy Regulatory Commission should consider to alleviate the severe fuel supply emergency and prevent recurrences of the severe fuel supply emergency.

''(c) EFFECT ON OTHER LAWS.—Nothing in this section limits any existing authority of any Federal agency.''.

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**SA 3111.** Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 2301, strike subsection (c) and insert the following:

(c) TECHNICAL ASSISTANCE AND GRANT PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary, in consultation with the Assistant Secretary for Electricity Delivery and Energy Reliability, shall establish a technical assistance and grant program (referred to in this subsection as the ''program'')—

(i) to disseminate information and provide technical assistance directly to eligible entities so the eligible entities can identify, evaluate, plan, and design energy storage systems; and

(ii) to make grants to eligible entities so that the eligible entities may contract to obtain technical assistance to identify, evaluate, plan, and design energy storage systems.

(B) TECHNICAL ASSISTANCE.—The technical assistance described in subparagraph (A) shall include assistance with 1 or more of the following activities relating to energy storage systems:

(i) Identification of opportunities to use energy storage systems.

(ii) Assessment of technical and economic characteristics.

(iii) Utility interconnection.

(iv) Permitting and siting issues.

(v) Business planning and financial analysis.

(vi) Engineering design.

(C) INFORMATION DISSEMINATION.—The information disseminated under subparagraph (A)(i) shall include—

(i) information relating to the topics described in subparagraph (B), including case studies of successful examples;

(ii) computer software for assessment, design, and operation and maintenance of energy storage systems; and

(iii) public databases that track the operation and deployment of existing and planned energy storage systems.

(2) ELIGIBILITY.—Any nonprofit or for-profit entity shall be eligible to receive technical assistance and grants under the program.

(3) APPLICATIONS.—

(A) IN GENERAL.—An eligible entity desiring technical assistance or grants under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) APPLICATION PROCESS.—The Secretary shall seek applications for technical assistance and grants under the program—

(i) on a competitive basis; and

(ii) on a periodic basis, but not less frequently than once every 12 months.

(C) PRIORITIES.—In selecting eligible entities for technical assistance and grants under the program, the Secretary shall give priority to eligible entities with projects that have the greatest potential for—

(i) facilitating the use of renewable energy resources;

(ii) strengthening the reliability and resiliency of energy infrastructure to the impact of extreme weather events, power grid failures, and interruptions in supply of fossil fuels;

(iii) improving the feasibility of microgrids or islanding, particularly in rural areas, including high energy cost rural areas;

(iv) minimizing environmental impact, including regulated air pollutants and greenhouse gas emissions; and

(v) maximizing local job creation.

(4) GRANTS.—On application by an eligible entity, the Secretary may award grants to the eligible entity to provide funds to cover not more than—

(A) 100 percent of the costs of the initial assessment to identify energy storage system opportunities;

(B) 75 percent of the cost of feasibility studies to assess the potential for the implementation of energy storage systems;

(C) 60 percent of the cost of guidance on overcoming barriers to the implementation of energy storage systems, including financial, contracting, siting, and permitting issues; and

(D) 45 percent of the cost of detailed engineering of energy storage systems.

(5) RULES AND PROCEDURES.—

(A) RULES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for carrying out the program.

(B) GRANTS.—Not later than 120 days after the date of issuance of the rules and procedures for the program, the Secretary shall issue grants under this subsection.

(6) REPORTS.—The Secretary shall submit to Congress and make available to the public—

(A) not less frequently than once every 2 years, a report describing the performance of the program under this subsection; and

(B) on termination of the program under this subsection, an assessment of the success of, and education provided by, the measures carried out by eligible entities under the program.

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**SA 3112.** Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

**PART V—WIND**

**SEC. 30___. DISTRIBUTED WIND ENERGY SYSTEMS.**

(a) DEFINITIONS.—In this section:

(1) MEDIUM-SIZED SYSTEM.—The term ''medium-sized system'' means a wind energy system that produces—

(A) greater than 100 kilowatts; and

(B) not greater than 1,000 kilowatts.

(2) SMALL SYSTEM.—The term ''small system'' means a wind energy system that produces not greater than 100 kilowatts.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish within the Wind Program of the Department an initiative to promote the development of distributed wind energy systems.

(2) REQUIREMENTS.—The initiative established under paragraph (1) shall—

(A) make grants available for research and development on—

(i) small systems; and

(ii) medium-sized systems; and

(B) provide technical assistance to, and serve as a clearinghouse of information for, Federal agencies and private sector entities seeking alternative means to produce energy.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) for fiscal year 2017, $15,000,000;

(2) for fiscal year 2018, $20,000,000;

(3) for fiscal year 2019, $25,000,000;

(4) for fiscal year 2020, $30,000,000; and

(5) for fiscal year 2021, $35,000,000.

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**SA 3113.** Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**Subtitle I—Distributed Generation**

**SEC. 3801. DEFINITIONS.**

In this subtitle:

(1) COMBINED HEAT AND POWER SYSTEM.—The term ''combined heat and power system'' means generation of electric energy and heat in a single, integrated system that meets the efficiency criteria in clauses (ii) and (iii) of section 48(c)(3)(A) of the Internal Revenue Code of 1986, under which heat that

is conventionally rejected is recovered and used to meet thermal energy requirements.

(2) DEMAND RESPONSE.—The term ''demand response'' means changes in electric usage by electric utility customers from the normal consumption patterns of the customers in response to—

(A) changes in the price of electricity over time; or

(B) incentive payments designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized.

(3) DISTRIBUTED ENERGY.—The term ''distributed energy'' means energy sources and systems that—

(A) produce electric or thermal energy close to the point of use using renewable energy resources or waste thermal energy;

(B) generate electricity using a combined heat and power system;

(C) distribute electricity in microgrids;

(D) store electric or thermal energy; or

(E) distribute thermal energy or transfer thermal energy to building heating and cooling systems through a district energy system.

(4) DISTRICT ENERGY SYSTEM.—The term ''district energy system'' means a system that provides thermal energy to buildings and other energy consumers from 1 or more plants to individual buildings to provide space heating, air conditioning, domestic hot water, industrial process energy, and other end uses.

(5) ISLANDING.—The term ''islanding'' means a distributed generator or energy storage device continuing to power a location in the absence of electric power from the primary source.

(6) LOAN.—The term ''loan'' has the meaning given the term ''direct loan'' in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) MICROGRID.—The term ''microgrid'' means an integrated energy system consisting of interconnected loads and distributed energy resources, including generators and energy storage devices, within clearly defined electrical boundaries that—

(A) acts as a single controllable entity with respect to the grid; and

(B) can connect and disconnect from the grid to operate in both grid-connected mode and island mode.

(8) RENEWABLE ENERGY SOURCE.—The term ''renewable energy source'' includes—

(A) biomass;

(B) geothermal energy;

(C) hydropower;

(D) landfill gas;

(E) municipal solid waste;

(F) ocean (including tidal, wave, current, and thermal) energy;

(G) organic waste;

(H) photosynthetic processes;

(I) photovoltaic energy;

(J) solar energy; and

(K) wind.

(9) RENEWABLE THERMAL ENERGY.—The term ''renewable thermal energy'' means heating or cooling energy derived from a renewable energy resource.

(10) THERMAL ENERGY.—The term ''thermal energy'' means—

(A) heating energy in the form of hot water or steam that is used to provide space heating, domestic hot water, or process heat; or

(B) cooling energy in the form of chilled water, ice, or other media that is used to provide air conditioning, or process cooling.

(11) WASTE THERMAL ENERGY.—The term ''waste thermal energy'' means energy that—

(A) is contained in—

(i) exhaust gases, exhaust steam, condenser water, jacket cooling heat, or lubricating oil in power generation systems;

(ii) exhaust heat, hot liquids, or flared gas from any industrial process;

(iii) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

(iv) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat;

(v) condenser water from chilled water or refrigeration plants; or

(vi) any other form of waste energy, as determined by the Secretary; and

(B)(i) in the case of an existing facility, is not being used; or

(ii) in the case of a new facility, is not conventionally used in comparable systems.

**SEC. 3802. DISTRIBUTED ENERGY LOAN PROGRAM.**

(a) LOAN PROGRAM.—

(1) IN GENERAL.—Subject to the provisions of this subsection and subsections (b) and (c), the Secretary shall establish a program to provide to eligible entities—

(A) loans for the deployment of distributed energy systems in a specific project; and

(B) loans to provide funding for programs to finance the deployment of multiple distributed energy systems through a revolving loan fund, credit enhancement program, or other financial assistance program.

(2) ELIGIBILITY.—Entities eligible to receive a loan under paragraph (1) include—

(A) a State, territory, or possession of the United States;

(B) a State energy office;

(C) a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

(D) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

(E) an electric utility, including—

(i) a rural electric cooperative;

(ii) a municipally-owned electric utility; and

(iii) an investor-owned utility.

(3) SELECTION REQUIREMENTS.—In selecting eligible entities to receive loans under this section, the Secretary shall, to the maximum extent practicable, ensure—

(A) regional diversity among eligible entities to receive loans under this section, including participation by rural States and small States; and

(B) that specific projects selected for loans—

(i) expand on the existing technology deployment program of the Department; and

(ii) are designed to achieve 1 or more of the objectives described in paragraph (4).

(4) OBJECTIVES.—Each deployment selected for a loan under paragraph (1) shall include 1 or more of the following objectives:

(A) Improved security and resiliency of energy supply in the event of disruptions caused by extreme weather events, grid equipment or software failure, or terrorist acts.

(B) Implementation of distributed energy in order to increase use of local renewable energy resources and waste thermal energy sources.

(C) Enhanced feasibility of microgrids, demand response, or islanding.

(D) Enhanced management of peak loads for consumers and the grid.

(E) Enhanced reliability in rural areas, including high energy cost rural areas.

(5) RESTRICTION ON USE OF FUNDS.—Any eligible entity that receives a loan under paragraph (1) may only use the loan to fund programs relating to the deployment of distributed energy systems.

(b) LOAN TERMS AND CONDITIONS.—

(1) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, in providing a loan under this section, the Secretary shall provide the loan on such terms and conditions as the Secretary determines, after consultation with the Secretary of the Treasury, in accordance with this section.

(2) SPECIFIC APPROPRIATION.—No loan shall be made unless an appropriation for the full amount of the loan has been specifically provided for that purpose.

(3) REPAYMENT.—No loan shall be made unless the Secretary determines that there is reasonable prospect of repayment of the principal and interest by the borrower of the loan.

(4) INTEREST RATE.—A loan provided under this section shall bear interest at a fixed rate that is equal or approximately equal, in the determination of the Secretary, to the interest rate for Treasury securities of comparable maturity.

(5) TERM.—The term of the loan shall require full repayment over a period not to exceed the lesser of—

(A) 20 years; or

(B) 90 percent of the projected useful life of the physical asset to be financed by the loan (as determined by the Secretary).

(6) USE OF PAYMENTS.—Payments of principal and interest on the loan shall—

(A) be retained by the Secretary to support energy research and development activities; and

(B) remain available until expended, subject to such conditions as are contained in annual appropriations Acts.

(7) NO PENALTY ON EARLY REPAYMENT.—The Secretary may not assess any penalty for early repayment of a loan provided under this section.

(8) RETURN OF UNUSED PORTION.—In order to receive a loan under this section, an eligible entity shall agree to return to the general fund of the Treasury any portion of the loan amount that is unused by the eligible entity within a reasonable period of time after the date of the disbursement of the loan, as determined by the Secretary.

(9) COMPARABLE WAGE RATES.—Each laborer and mechanic employed by a contractor or subcontractor in performance of construction work financed, in whole or in part, by the loan shall be paid wages at rates not less than the rates prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(c) RULES AND PROCEDURES; DISBURSEMENT OF LOANS.—

(1) RULES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for carrying out the loan program under subsection (a).

(2) DISBURSEMENT OF LOANS.—Not later than 1 year after the date on which the rules and procedures under paragraph (1) are established, the Secretary shall disburse the initial loans provided under this section.

(d) REPORTS.—Not later than 2 years after the date of receipt of the loan, and annually thereafter for the term of the loan, an eligible entity that receives a loan under this section shall submit to the Secretary a report describing the performance of each program and activity carried out using the loan, including itemized loan performance data.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

**SEC. 3803. TECHNICAL ASSISTANCE AND GRANT PROGRAM.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a technical assistance and grant program (referred to in this section as the ''program'')—

(A) to disseminate information and provide technical assistance directly to eligible entities so the eligible entities can identify, evaluate, plan, and design distributed energy systems; and

(B) to make grants to eligible entities so that the eligible entities may contract to obtain technical assistance to identify, evaluate, plan, and design distributed energy systems.

(2) TECHNICAL ASSISTANCE.—The technical assistance described in paragraph (1) shall include assistance with 1 or more of the following activities relating to distributed energy systems:

(A) Identification of opportunities to use distributed energy systems.

(B) Assessment of technical and economic characteristics.

(C) Utility interconnection.

(D) Permitting and siting issues.

(E) Business planning and financial analysis.

(F) Engineering design.

(3) INFORMATION DISSEMINATION.—The information disseminated under paragraph (1)(A) shall include—

(A) information relating to the topics described in paragraph (2), including case studies of successful examples;

(B) computer software and databases for assessment, design, and operation and maintenance of distributed energy systems; and

(C) public databases that track the operation and deployment of existing and planned distributed energy systems.

(b) ELIGIBILITY.—Any nonprofit or for-profit entity shall be eligible to receive technical assistance and grants under the program.

(c) APPLICATIONS.—

(1) IN GENERAL.—An eligible entity desiring technical assistance or grants under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) APPLICATION PROCESS.—The Secretary shall seek applications for technical assistance and grants under the program—

(A) on a competitive basis; and

(B) on a periodic basis, but not less frequently than once each year.

(3) PRIORITIES.—In selecting eligible entities for technical assistance and grants under the program, the Secretary shall give priority to eligible entities with projects that have the greatest potential for—

(A) facilitating the use of renewable energy resources;

(B) strengthening the reliability and resiliency of energy infrastructure to the impact of extreme weather events, power grid failures, and interruptions in supply of fossil fuels;

(C) improving the feasibility of microgrids or islanding, particularly in rural areas, including high energy cost rural areas;

(D) minimizing environmental impact, including regulated air pollutants and greenhouse gas emissions; and

(E) maximizing local job creation.

(d) GRANTS.—On application by an eligible entity, the Secretary may award grants to the eligible entity to provide funds to cover not more than—

(1) 100 percent of the costs of the initial assessment to identify opportunities;

(2) 75 percent of the cost of feasibility studies to assess the potential for the implementation;

(3) 60 percent of the cost of guidance on overcoming barriers to implementation, including financial, contracting, siting, and permitting issues; and

(4) 45 percent of the cost of detailed engineering.

(e) RULES AND PROCEDURES.—

(1) RULES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for carrying out the program.

(2) GRANTS.—Not later than 120 days after the date of issuance of the rules and procedures for the program, the Secretary shall issue grants under this subtitle.

(f) REPORTS.—The Secretary shall submit to Congress and make available to the public—

(1) not less frequently than once every 2 years, a report describing the performance of the program under this section, including a synthesis and analysis of the information provided in the reports submitted to the Secretary under section 3802(d); and

(2) on termination of the program under this section, an assessment of the success of, and education provided by, the measures carried out by eligible entities during the term of the program.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for the period of fiscal years 2017 through 2021, to remain available until expended.

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**SA 3114.** Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

**SEC. 1022. GRANTS TO UTILITIES FOR PROGRAMS TO PROVIDE AGGREGATED WHOLE BUILDING ENERGY CONSUMPTION INFORMATION TO MULTITENANT BUILDING OWNERS.**

(a) GRANTS TO UTILITIES.—Based on the results of the research for the portion of the study described in section 301(b)(1)(A)(ii) of the Energy Efficiency Improvement Act of 2015 (42 U.S.C. 17063(b)(1)(A)(ii)) , and with criteria developed following public notice and comment, the Secretary may make competitive awards to utilities, utility regulators, and utility partners to develop and implement effective and promising programs to provide aggregated whole building energy consumption information to multitenant building owners.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2017 through 2021, to remain available until expended.

**SEC. 1023. GRANTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO DEVELOP BENCHMARKING AND DISCLOSURE POLICIES FOR COMMERCIAL AND MULTIFAMILY BUILDINGS.**

(a) GRANTS TO STATES AND UNITS OF LOCAL GOVERNMENT.—Based on the results of the research for the portion of the study described in section 301(b)(1)(A)(ii) of the Energy Efficiency Improvement Act of 2015 (42 U.S.C. 17063(b)(1)(A)(ii)), and with criteria developed following public notice and comment, the Secretary may make competitive awards to States and units of local government to develop and implement effective and promising benchmarking and disclosure policies, and any associated building efficiency policies, for commercial and multifamily buildings.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2017 through 2021, to remain available until expended.

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**SA 3115.** Mr. FRANKEN (for himself, Mr. HEINRICH, Ms. WARREN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle E of title I and insert the following:

**Subtitle E—Energy Efficiency Resource Standard**

**SEC. 1401. ENERGY EFFICIENCY RESOURCE STANDARD FOR RETAIL ELECTRICITY AND NATURAL GAS SUPPLIERS.**

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

**"SEC. 610. FEDERAL ENERGY EFFICIENCY RESOURCE STANDARD FOR RETAIL ELECTRICITY AND NATURAL GAS SUPPLIERS.**

''(a) DEFINITIONS.—In this section:

''(1) BASE QUANTITY.—

''(A) IN GENERAL.—The term 'base quantity', with respect to a retail electricity supplier or retail natural gas supplier, means, for each calendar year for which a performance standard is established under subsection (c), the average annual quantity of electricity or natural gas delivered by the retail electricity supplier or retail natural gas supplier to retail customers during the 3 calendar years immediately preceding the first year that compliance is required under subsection (c)(1).

''(B) EXCLUSION.—The term 'base quantity', with respect to a retail natural gas supplier, does not include natural gas delivered for purposes of electricity generation.

''(2) CUSTOMER FACILITY SAVINGS.—The term 'customer facility savings' means a reduction in end-use electricity or natural gas consumption (including waste heat energy savings) at a facility of an end-use consumer of electricity or natural gas served by a retail electricity supplier or natural gas supplier, as compared to—

''(A) in the case of a new facility, consumption at a reference facility of average efficiency;

''(B) in the case of an existing facility, consumption at the facility during a base period of not less than 1 year;

''(C) in the case of new equipment that replaces existing equipment at the end of the useful life of the existing equipment, consumption by new equipment of average efficiency of the same equipment type, except that customer savings under this subparagraph shall not be counted towards customer savings under subparagraph (A) or (B); and

''(D) in the case of new equipment that replaces existing equipment with remaining useful life—

''(i) consumption of the existing equipment for the remaining useful life of the equipment; and

''(ii) thereafter, consumption of new equipment of average efficiency.

''(3) ELECTRICITY SAVINGS.—The term 'electricity savings' means reductions in electricity consumption achieved through measures implemented after the date of enactment of this section, as determined in accordance with regulations promulgated by the Secretary, that are limited to—

''(A) customer facility savings of electricity, adjusted to reflect any associated increase in fuel consumption at the facility;

''(B) reductions in distribution system losses of electricity achieved by a retail electricity supplier, as compared to losses attributable to new or replacement distribution

system equipment of average efficiency, as defined in regulations promulgated by the Secretary;

''(C) CHP savings;

''(D) codes and standards savings of electricity; and

''(E) fuel switching energy savings that results in net savings of source energy.

''(4) NATURAL GAS SAVINGS.—The term 'natural gas savings' means reductions in natural gas consumption from measures implemented after the date of enactment of this section, as determined in accordance with regulations promulgated by the Secretary, that are limited to—

''(A) customer facility savings of natural gas, adjusted to reflect any associated increase in electricity consumption or consumption of other fuels at the facility;

''(B) reductions in leakage, operational losses, and consumption of natural gas fuel to operate a gas distribution system, achieved by a retail natural gas supplier, as compared to similar leakage, losses, and consumption during a base period of not less than 1 year;

''(C) codes and standards savings of natural gas; and

''(D) fuel switching energy savings that results in net savings of source energy.

''(5) RETAIL ELECTRICITY SUPPLIER.—

''(A) IN GENERAL.—The term 'retail electricity supplier' means, for any given calendar year, an electric utility that sells not less than 1,000,000 megawatt hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

''(B) INCLUSIONS AND LIMITATIONS.—For purposes of determining whether an electric utility qualifies as a retail electricity supplier under subparagraph (A)—

''(i) deliveries by any affiliate of an electric utility to electric consumers for purposes other than resale shall be considered to be deliveries by the electric utility; and

''(ii) deliveries by any electric utility to a lessee, tenant, or affiliate of the electric utility shall not be considered to be deliveries to electric consumers.

''(6) RETAIL NATURAL GAS SUPPLIER.—

''(A) IN GENERAL.—The term 'retail natural gas supplier' means, for any given calendar year, a local distribution company (as defined in section 2 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301)), that delivered to natural gas consumers more than 5,000,000,000 cubic feet of natural gas for purposes other than resale during the preceding calendar year.

''(B) INCLUSIONS AND LIMITATIONS.—For purposes of determining whether a person qualifies as a retail natural gas supplier under subparagraph (A)—

''(i) deliveries of natural gas by any affiliate of a local distribution company to consumers for purposes other than resale shall be considered to be deliveries by the local distribution company; and

''(ii) deliveries of natural gas to a lessee, tenant, or affiliate of a local distribution company shall not be considered to be deliveries to natural gas consumers.

''(b) ESTABLISHMENT OF PROGRAM.—

''(1) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall, by regulation, establish a program to implement and enforce the requirements of this section, including by—

''(A) defining the terms 'CHP savings', 'code and standards savings', 'combined heat and power system', 'cost-effective', 'fuel switching energy savings', 'reporting period', 'third-party efficiency provider', and 'waste heat energy savings';

''(B) establishing measurement and verification procedures and standards that count only measures and savings that are additional to business-as-usual customer purchase practices;

''(C) establishing requirements under which retail electricity suppliers and retail natural gas suppliers shall—

''(i) demonstrate, document, and report the compliance of the retail electricity suppliers and retail natural gas suppliers with the performance standards under subsection (c); and

''(ii) estimate the impact of the standards on current and future electricity and natural gas use in the service territories of the suppliers;

''(D) establishing requirements governing applications for, and implementation of, delegated State administration under subsection (e); and

''(E) establishing rules to govern transfers of electricity or natural gas savings between suppliers and third-party efficiency providers serving the same State and between suppliers and third-party efficiency providers serving different States.

''(2) COORDINATION WITH STATE PROGRAMS.—In establishing and implementing this section, the Secretary shall, to the maximum extent practicable, preserve the integrity and incorporate best practices of existing State energy efficiency programs.

''(c) PERFORMANCE STANDARDS.—

''(1) COMPLIANCE OBLIGATION.—Not later than May 1 of the calendar year immediately following each reporting period—

''(A) each retail electricity supplier shall submit to the Secretary a report, in accordance with regulations promulgated by the Secretary, demonstrating that the retail electricity supplier has achieved cumulative electricity savings (adjusted to account for any attrition of savings measures implemented in prior years) in each calendar year that are equal to the applicable percentage of the base quantity of the retail electricity supplier; and

''(B) each retail natural gas supplier shall submit to the Secretary a report, in accordance with regulations promulgated by the Secretary, demonstrating that it has achieved cumulative natural gas savings (adjusted to account for any attrition of savings measures implemented in prior years) in each calendar year that are equal to the applicable percentage of the base quantity of such retail natural gas supplier.

''(2) STANDARDS FOR 2017 THROUGH 2030.—For each of calendar years 2017 through 2030, the applicable percentages are as follows:

| ''Calendar Year | Cumulative Electricity Savings Percentage | Cumulative Natural Gas Savings Percentage |
|---|---|---|
| 2017 | 1.00 | 0.50 |
| 2018 | 2.00 | 1.25 |
| 2019 | 3.00 | 2.00 |
| 2020 | 4.25 | 3.00 |
| 2021 | 5.50 | 4.00 |
| 2022 | 7.00 | 5.00 |
| 2023 | 8.50 | 6.00 |
| 2024 | 10.00 | 7.00 |
| 2025 | 11.50 | 8.00 |
| 2026 | 13.00 | 9.00 |
| 2027 | 14.75 | 10.00 |
| 2028 | 16.50 | 11.00 |
| 2029 | 18.25 | 12.00 |
| 2030 | 20.00 | 13.00. |

''(3) SUBSEQUENT YEARS.—

''(A) CALENDAR YEARS 2031 THROUGH 2040.—Not later than December 31, 2028, the Secretary shall promulgate regulations establishing performance standards (expressed as applicable percentages of base quantity for both cumulative electricity savings and cumulative natural gas savings) for each of calendar years 2031 through 2040.

''(B) REQUIREMENTS.—The Secretary shall establish standards under this paragraph at levels reflecting the maximum achievable level of cost-effective energy efficiency potential, taking into account—

''(i) cost-effective energy savings achieved by leading retail electricity suppliers and retail natural gas suppliers;

''(ii) opportunities for new codes and standard savings;

''(iii) technology improvements; and

''(iv) other indicators of cost-effective energy efficiency potential including differences between States.

''(C) MINIMUM PERCENTAGE.—In no case shall the applicable percentages for any calendar year be less than the applicable percentages for calendar year 2030.

''(4) DELAY OF SUBMISSION FOR FIRST REPORTING PERIOD.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), for the 2017 reporting period, the Secretary may accept a request from a retail electricity supplier or a retail natural gas supplier to delay the required submission of documentation of all or part of the required savings for up to 2 years.

''(B) PLAN FOR COMPLIANCE.—The request for delay under subparagraph (A) shall include a plan for coming into full compliance by the end of the 2018–2019 reporting period.

''(5) APPLYING UNUSED SAVINGS TO FUTURE YEARS.—If savings achieved in a year exceed the performance standards specified in this subsection, any savings in excess of the performance standards may be applied toward performance standards specified for future years.

''(d) ENFORCEMENT AND JUDICIAL REVIEW.—

''(1) REVIEW OF RETAIL SUPPLIER REPORTS.—

''(A) IN GENERAL.—The Secretary shall review each report submitted to the Secretary by a retail electricity supplier or retail natural gas supplier under subsection (c) to verify that the applicable performance standards under subsection (c) have been met.

''(B) EXCLUSION.—In determining compliance with the applicable performance standards under subsection (c), the Secretary shall exclude reported electricity savings or natural gas savings that are not adequately demonstrated and documented, in accordance with the regulations promulgated under subsections (b) and (c).

''(2) PENALTY FOR FAILURE TO DOCUMENT ADEQUATE SAVINGS.—If a retail electricity supplier or a retail natural gas supplier fails to demonstrate compliance with an applicable performance standard under subsection (c), or to pay to the State an applicable alternative compliance payment under subsection (e)(3), the Secretary shall assess against the retail electricity supplier or retail natural gas supplier a civil penalty for each failure in an amount equal to, as adjusted for inflation in accordance with such regulations as the Secretary may promulgate—

''(A) $100 per megawatt hour of electricity savings or alternative compliance payment that the retail electricity supplier failed to achieve or make, respectively; or

''(B) $10 per million Btu of natural gas savings or alternative compliance payment that the retail natural gas supplier failed to achieve or make, respectively.

''(3) OFFSETTING STATE PENALTIES.—The Secretary shall reduce the amount of any penalty under paragraph (2) by the amount paid by the relevant retail electricity supplier or retail natural gas supplier to a State

for failure to comply with the requirements of a State energy efficiency resource standard during the same compliance period.

''(4) ENFORCEMENT PROCEDURES.—The Secretary shall assess a civil penalty, as provided under paragraph (2), in accordance with the procedures described in section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

''(e) STATE ADMINISTRATION.—

''(1) IN GENERAL.—Upon receipt of an application from the Governor of a State (including the Mayor of the District of Columbia), the Secretary may delegate to the State responsibility for administering this section within the territory of the State if the Secretary determines that the State will implement an energy efficiency program that meets or exceeds the requirements of this section.

''(2) SECRETARIAL DETERMINATION.—Not later than 180 days after the date on which a complete application is received by the Secretary, the Secretary shall make a substantive determination approving or disapproving a State application, after public notice and comment.

''(3) ALTERNATIVE COMPLIANCE PAYMENTS.—

''(A) IN GENERAL.—As part of an application submitted under paragraph (1), a State may permit retail electricity suppliers or retail natural gas suppliers to pay to the State, by not later than May 1 of the calendar year immediately following the applicable reporting period, an alternative compliance payment in an amount equal to, as adjusted for inflation in accordance with such regulations as the Secretary may promulgate, not less than—

''(i) $50 per megawatt hour of electricity savings needed to make up any deficit with regard to a compliance obligation under the applicable performance standard; or

''(ii) $5 per million Btu of natural gas savings needed to make up any deficit with regard to a compliance obligation under the applicable performance standard.

''(B) USE OF PAYMENTS.—Alternative compliance payments collected by a State under subparagraph (A) shall be used by the State to administer the delegated authority of the State under this section and to implement cost-effective energy efficiency programs that—

''(i) to the maximum extent practicable, achieve electricity savings and natural gas savings in the State sufficient to make up the deficit associated with the alternative compliance payments; and

''(ii) can be measured and verified in accordance with the applicable procedures and standards under subsection (b)(1)(B).

''(4) REVIEW OF STATE IMPLEMENTATION.—

''(A) PERIODIC REVIEW.—Every 2 years, the Secretary shall review State implementation of this section for conformance with the requirements of this section in approximately ½ of the States that have received approval under this subsection to administer the program, so that each State shall be reviewed at least every 4 years.

''(B) REPORT.—To facilitate the review under subparagraph (A), the Secretary may require the State to submit a report demonstrating the conformance of the State with the requirements of this section.

''(C) DEFICIENCIES.—

''(i) IN GENERAL.—In completing a review under this paragraph, if the Secretary finds deficiencies, the Secretary shall—

''(I) notify the State of the deficiencies;

''(II) direct the State to correct the deficiencies; and

''(III) require the State to report to the Secretary on progress made by not later than 180 days after the date on which the State receives notice under subclause (I).

''(ii) SUBSTANTIAL DEFICIENCIES.—If the deficiencies are substantial, the Secretary shall—

''(I) disallow the reported electricity savings or natural gas savings that the Secretary determines are not credible due to deficiencies;

''(II) re-review the State not later than 2 years after the date on which the original review was completed; and

''(III) if substantial deficiencies remain uncorrected after the review provided for under subclause (II), revoke the authority of the State to administer the program established under this section.

''(f) INFORMATION AND REPORTS.—In accordance with section 13 of the Federal Energy Administration Act of 1974 (15 U.S.C. 772), the Secretary may require any retail electricity supplier, retail natural gas supplier, third-party efficiency provider, or any other entity that the Secretary determines appropriate, to provide any information the Secretary determines appropriate to carry out this section.

''(g) STATE LAW.—Nothing in this section diminishes or qualifies any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting electricity savings or natural gas savings, including any law or regulation establishing energy efficiency requirements that are more stringent than those under this section, except that no State law or regulation shall relieve any person of any requirement otherwise applicable under this section.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 609. Rural and remote communities electrification grants.

''Sec. 610. Federal energy efficiency resource standard for retail electricity and natural gas suppliers.''.

**Subtitle F—Short Title**

**SEC. 1501. SHORT TITLE.**

This title may be cited as the ''Portman-Shaheen Energy Efficiency Improvement Act of 2016''.

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**SA 3116.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 314, strike 24 and all that follows through page 315, line 1 and insert the following:

(8) develops plans to support and retrain displaced and unemployed energy sector workers;

(9) provides opportunities for the existing workforce to receive adequate training needed to operate and manage the evolving energy infrastructure of the United States; and

(10) makes a Department priority to provide

On page 321, line 4, insert '', or continue to work,'' after ''plan to work''.

On page 322, line 8, insert '', or consortia of local governmental agencies,'' afer ''regional consortia''.

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**SA 3117.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. ENERGY CREDIT FOR QUALIFIED OFFSHORE WIND FACILITIES.**

(a) IN GENERAL.—Section 48 of the Internal Revenue Code is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A)(i)—

(i) in subclause (III), by striking ''and'' at the end, and

(ii) by adding at the end the following new subclause:

''(V) qualified offshore wind property, and'', and

(B) in paragraph (3)(A)—

(i) in clause (vi), by striking ''or'' at the end,

(ii) in clause (vii), by adding ''or'' at the end, and

(iii) by adding at the end the following new clause:

''(viii) qualified offshore wind property, but only with respect to periods ending before January 1, 2026,''.

(2) in subsection (c), by adding at the end the following new paragraph:

''(5) QUALIFIED OFFSHORE WIND PROPERTY.—

''(A) IN GENERAL.—The term 'qualified offshore wind property' means an offshore facility using wind to produce electricity.

''(B) OFFSHORE FACILITY.—The term 'offshore facility' means any facility located in the inland navigable waters of the United States, including the Great Lakes, or in the coastal waters of the United States, including the territorial seas of the United States, the exclusive economic zone of United States, and the outer Continental Shelf of the United States.

''(C) EXCEPTION FOR QUALIFIED SMALL WIND ENERGY PROPERTY.—The term 'qualified offshore wind property' shall not include any property described in paragraph (4).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

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**SA 3118.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 31_____. STRATEGIC UNCONVENTIONAL FUELS.**

(a) REQUIREMENT.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall fully implement section 369(e) of the Energy Policy Act of 2005 (42 U.S.C. 15927(e)).

(b) EXTENSION.—Section 369(c) of the Energy Policy Act of 2005 (42 U.S.C. 15927(c)) is amended—

(1) by striking ''In accordance'' and inserting the following:

''(1) IN GENERAL.—In accordance''; and

(2) by adding at the end the following:

''(2) EXTENSION.—At the request of a holder of a lease issued under paragraph (1), the Secretary shall extend, for a period of 10 years, the term of the lease, unless the Secretary demonstrates that the lease holder requesting the extension has committed a substantial violation of the terms of the approved plan of development of the lease holder.''.

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**SA 3119.** Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms.

MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 316, line 15, strike ''and'' and insert ''cybersecurity, and''.

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**SA 3120.** Mr. KING (for himself and Mr. REID) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**Subtitle I—Residential Renewable Energy Generation**

**SEC. 3801. EXISTING ON-SITE GENERATING CUSTOMERS.**

(a) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(20) CONSUMER PROTECTIONS FOR ON-SITE GENERATING FACILITIES.—

''(A) STANDARD.—Once an electric consumer has been offered and has accepted net metering service as described in paragraph (11) from an electric utility, the State regulatory authority with ratemaking authority over the electric utility and the electric utility may not change the rate classification of the consumer unless the State regulatory authority or electric utility, as applicable, demonstrates, in an evidentiary hearing in a general rate case, that the current and future net benefits of the net metered system to the distribution, transmission, and generation systems of the electric utility are less than the full retail rate.

''(B) RESTRICTION.—A State regulatory authority or electric utility may not impose a new or higher rate (such as a new fee or demand charge) on an existing electric consumer taking net metering service as described in paragraph (11) from an electric utility unless the new or higher rate is also charged to all electric consumers in the same rate class of the electric utility.

''(C) EFFECT.—Nothing in this paragraph prevents an electric utility from charging rates to each rate class designed to recover all reasonable costs to the electric utility of providing service to the electric consumers in that class.''.

(b) COMPLIANCE.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

''(7) Before changing the rate classification of, or imposing a new or higher rate on, an existing electric consumer taking net metering service as described in section 111(d)(11), a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or a nonregulated electric utility shall, with respect to the standard established by paragraph (20) of section 111(d)—

''(A) conduct a hearing and complete the consideration required under that paragraph; and

''(B) make the determination referred to in section 111 with respect to the standard established by paragraph (20) of section 111(d).''.

**SEC. 3802. DISTRIBUTED ENERGY RESOURCES.**

(a) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by section 3801(a)) is amended by adding at the end the following:

''(21) DISTRIBUTED ENERGY RESOURCES.—

''(A) DEFINITION OF DISTRIBUTED ENERGY RESOURCE.—In this paragraph, the term 'distributed energy resource' means an electric energy supply resource, technology, or service that—

''(i) is interconnected to the distribution system of an electric utility; and

''(ii) supplies electric energy to the distribution system by generating or storing energy.

''(B) REQUIREMENT.—If a State regulatory authority considers, through a rate proceeding or another mechanism (such as consideration of fixed or minimum charges or any other mechanism described in subparagraph (C)), modifying the treatment of future net energy metering customers, the State regulatory authority shall take into account the considerations in subparagraph (C).

''(C) CONSIDERATIONS.—The considerations referred to in subparagraph (B) include—

''(i) pricing for energy—

''(I) sold to an electric utility; or

''(II) purchased from an electric utility;

''(ii) capacity;

''(iii) the provision of ancillary services;

''(iv) the societal value of distributed energy resources;

''(v) transmission and distribution losses; and

''(vi) any other benefits that the State regulatory authority considers to be appropriate.''.

(b) COMPLIANCE.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) (as amended by section 3801(b)) is amended by adding at the end the following:

''(8) Before considering, through a rate proceeding or other mechanism, modifying the treatment of any future net metering customer, a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or a nonregulated electric utility shall, with respect to the standard established by paragraph (21) of section 111(d)—

''(A) conduct a hearing and complete the consideration required under that paragraph; and

''(B) make the determination referred to in section 111 with respect to the standard established by paragraph (21) of section 111(d).''.

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**SA 3121.** Mr. HEINRICH (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IV, add the following:

**SEC. 4205. TECHNOLOGY MATURATION GRANT PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(2) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ESTABLISHMENT OF TECHNOLOGY MATURATION GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish the National Laboratory technology maturation program under which the Secretary shall make grants to National Laboratories for the purpose of increasing the successful transfer of technologies licensed from National Laboratories to small business concerns by providing a link between an innovative process or technology and a practical application with potential to be successful in commercial markets.

(2) APPLICATION FOR GRANT FROM THE SECRETARY.—

(A) IN GENERAL.—Each National Laboratory that elects to apply for a grant under paragraph (1) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(B) CONTENTS.—In an application submitted under this paragraph, a National Laboratory shall describe how the National Laboratory will—

(i) manage a technology maturation program;

(ii) encourage small business concerns, with an emphasis on businesses in the region in which the National Laboratory is located, to participate in the technology maturation program;

(iii) select small business concerns and technologies to participate in the technology maturation program using a selection board (referred to in this subsection as the ''selection board'') made up of technical and business members, including venture capitalists and investors; and

(iv) measure the results of the program and the return on investment, including—

(I) the number of technologies licensed to small business concerns;

(II) the number of new small business concerns created;

(III) the number of jobs created or retained;

(IV) sales of the licensed technologies; and

(V) any additional external investment attracted by participating small business concerns.

(3) MAXIMUM GRANT.—The maximum amount of a grant received by a National Laboratory under paragraph (1) shall be $5,000,000 for each fiscal year.

(4) VOUCHERS TO SMALL BUSINESS CONCERNS FROM NATIONAL LABORATORIES.—

(A) IN GENERAL.—A National Laboratory receiving a grant under paragraph (1) shall use the grant funds to provide vouchers to small business concerns that hold a technology license from a National Laboratory to pay the cost of providing assistance from scientists and engineers at the National Laboratory to assist in the development of the licensed technology and further develop related products and services until the products and services are market-ready or sufficiently developed to attract private investment.

(B) USE OF VOUCHER FUNDS.—A small business concern receiving a voucher under subparagraph (A) may use the voucher—

(i) to gain access to special equipment or facilities at the National Laboratory that awarded the voucher;

(ii) to partner with the National Laboratory on a commercial prototype; and

(iii) to perform early-stage feasibility or later-stage field testing.

(C) ELIGIBLE PROJECTS.—A National Laboratory receiving a grant under paragraph (1) may provide a voucher to small business concerns and partnerships between a small business concern and an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) for projects—

(i) involving—

(I) commercial prototypes;

(II) scale-up and field demonstrations; or

(III) other activities that move the technology closer to successful commercialization; and

(ii) that do not exceed 1 year.

(D) APPLICATION FOR VOUCHER FROM NATIONAL LABORATORY.—Each small business concern that holds a technology license from a National Laboratory that elects to apply for a voucher under subparagraph (A) shall submit an application to the selection board at such time, in such manner, and containing such information as the selection board may reasonably require.

(E) CRITERIA.—The selection board may award vouchers based on—

(i) the viability of the technology for commercial success;

(ii) a robust commercialization business plan for transition of the technology into a marketplace success;

(iii) a significant opportunity for growth of an existing company;

(iv) access to a strong, experienced business and technical team;

(v) clear, market-driven milestones for the project;

(vi) the potential of the technology to enhance the economy of the region in which the National Laboratory is located;

(vii) availability and source of matching funds for the project, including in-kind contributions; and

(viii) compatibility with the mission of the National Laboratory.

(F) MAXIMUM VOUCHER.—The maximum amount of a voucher received by a small business concern under subparagraph (A) shall be $250,000.

(G) PROGRESS TRACKING.—

(i) IN GENERAL.—The National Laboratory that awards a voucher to carry out a project under subparagraph (A) shall establish a procedure to monitor interim progress of the project toward commercialization milestones.

(ii) TERMINATION OF VOUCHER.—If the National Laboratory determines that a project is not making adequate progress toward commercialization milestones under the procedure established pursuant to clause (i), the project shall not continue to receive funding or assistance under this paragraph.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Each National Laboratory receiving a grant under subsection (b) shall submit to the Secretary an annual report, at such time and in such manner as the Secretary may reasonably require.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall—

(A) include a list of each recipient of a voucher and the amount of each voucher awarded; and

(B) provide an estimate of the return on investment, including—

(i) the increase in the number of technologies licensed to small business concerns;

(ii) the number of jobs created or retained;

(iii) sales of the licensed technologies; and

(iv) any additional external investment attracted by participating small business concerns.

(d) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committees on Armed Services and Energy and Natural Resources of the Senate and the Committees on Armed Services and Science, Space, and Technology of the House of Representatives a report on the results of the program established under subsection (b), including—

(1) the return on investment; and

(2) any recommendations for improvements to the program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2016 through 2020.

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**SA 3122.** Mr. HEINRICH (for himself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

**PART V—COMMUNITY SOLAR**

**SEC. 3021. PROVISION OF INTERCONNECTION SERVICE AND NET BILLING SERVICE FOR COMMUNITY SOLAR FACILITIES.**

(a) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(20) COMMUNITY SOLAR FACILITIES.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COMMUNITY SOLAR FACILITY.—The term 'community solar facility' means a solar photovoltaic system that—

''(I) allocates electricity to multiple individual electric consumers of an electric utility;

''(II) has a nameplate rating of 2 megawatts or less; and

''(III) is—

''(aa) owned by the electric utility, jointly owned, or third-party-owned;

''(bb) connected to a local distribution facility of the electric utility; and

''(cc) located on or off the property of a consumer of the electricity.

''(ii) INTERCONNECTION SERVICE.—The term 'interconnection service' means a service provided by an electric utility to an electric consumer, in accordance with the standards described in paragraph (15), through which a community solar facility is connected to an applicable local distribution facility.

''(iii) NET BILLING SERVICE.—The term 'net billing service' means a service provided by an electric utility to an electric consumer through which electric energy generated for that electric consumer from a community solar facility may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

''(B) REQUIREMENT.—On receipt of a request of an electric consumer served by the electric utility, each electric utility shall make available to the electric consumer interconnection service and net billing service for a community solar facility.''.

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

''(7)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has rate-making authority) and each nonregulated utility shall commence consideration under section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 111(d).

''(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has rate-making authority), and each nonregulated electric utility shall complete the consideration and make the determination under section 111 with respect to the standard established by paragraph (20) of section 111(d).''.

(2) FAILURE TO COMPLY.—

(A) IN GENERAL.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended—

(i) by striking ''such paragraph (14)'' and all that follows through ''paragraphs (16)'' and inserting ''such paragraph (14). In the case of the standard established by paragraph (15) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (15). In the case of the standards established by paragraphs (16)''; and

(ii) by adding at the end the following: ''In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).''.

(B) TECHNICAL CORRECTION.—

(i) IN GENERAL.—Section 1254(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 971) is amended by striking paragraph (2).

(ii) TREATMENT.—The amendment made by paragraph (2) of section 1254(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 971) (as in effect on the day before the date of enactment of this Act) is void, and section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) shall be in effect as if those amendments had not been enacted.

(3) PRIOR STATE ACTIONS.—

(A) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

''(g) PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to the standard established by paragraph (20) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

''(1) the State has implemented for the electric utility the standard (or a comparable standard);

''(2) the State regulatory authority for the State or the relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard (or a comparable standard) for the electric utility; or

''(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility.''.

(B) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policy Act of 1978 (16 U.S.C. 2634) is amended by adding at the end the following: ''In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).''.

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**SA 3123.** Mr. HEINRICH (for himself, Mr. WHITEHOUSE, Mr. UDALL, Ms. WARREN, Mr. FRANKEN, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

**PART V—ENERGY STORAGE**

**SEC. 3021. ENERGY STORAGE PORTFOLIO STANDARD.**

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

**''SEC. 610. ENERGY STORAGE PORTFOLIO STANDARD.**

''(a) DEFINITIONS.—In this section:

''(1) ENERGY STORAGE DEVICE.—The term 'energy storage device' includes a device

used to store energy using pumped hydropower, compressed air, batteries or other electrochemical forms (including hydrogen for fuel cells), thermal forms (including hot water and ice), flywheels, capacitors, superconducting magnets, and other energy storage devices, to be available for use when the energy is needed.

''(2) RETAIL ELECTRIC SUPPLIER.—

''(A) IN GENERAL.—The term 'retail electric supplier' means a person that—

''(i) sells electric energy to electric consumers; and

''(ii) sold not less than 500,000 megawatt hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

''(B) INCLUSION.—The term 'retail electric supplier' includes a person that sells electric energy to electric consumers that, in combination with the sales of any affiliate organized after the date of enactment of this section, sells not less than 500,000 megawatt hours of electric energy to consumers for purposes other than resale.

''(C) EXCLUSIONS.—The term 'retail electric supplier' does not include—

''(i) the United States, a State, any political subdivision of a State, or any agency, authority, or instrumentality of the United States, a State, an Indian tribe, or a political subdivision; or

''(ii) a rural electric cooperative.

''(D) SALES TO PARENT COMPANIES OR AFFILIATES.—For purposes of this paragraph, sales by any person to a parent company or to other affiliates of the person shall not be treated as sales to electric consumers.

''(b) REQUIREMENTS.—

''(1) PRIMARY STANDARDS.—Subject to paragraph (2) and except as provided in subsection (e)(2), each retail electric supplier shall achieve compliance with the following energy storage portfolio standards by the following dates:

''(A) JANUARY 1, 2021.—Not later than January 1, 2021, each retail electric supplier shall have available on the system of the retail electric supplier energy storage devices with a power capacity rating equal to not less than 1 percent of the annual average peak power demand of the system, as—

''(i) measured over a 1-hour period; and

''(ii) averaged over the period of calendar years 2017 through 2019.

''(B) JANUARY 1, 2025.—Not later than January 1, 2025, each retail electric supplier shall have available on the system of the retail electric supplier energy storage devices with a power capacity rating equal to not less than 2 percent of the annual average peak power demand of the system, as—

''(i) measured over a 1-hour period; and

''(ii) averaged over the period of calendar years 2021 through 2023.

''(2) SECONDARY STANDARD.—Of each applicable storage capacity required under paragraph (1), at least 50 percent shall be sufficient to provide electricity at the rated capacity for a duration of not less than 1 hour.

''(c) INCLUSIONS.—The following may be used to comply with the energy storage portfolio standards established by subsection (b):

''(1) Energy storage devices associated with a retail customer of the retail electric supplier.

''(2) Energy storage owned or operated by the retail electric supplier.

''(3) Energy storage devices that are electrically connected to the retail electric supplier and available to provide power, including storage owned by—

''(A) a third party;

''(B) a regional transmission entity; or

''(C) a transmission or generation entity.

''(d) EXCLUSION.—An energy storage device placed in operation before January 1, 2009, may not be used to achieve compliance with the energy storage portfolio standards established by subsection (b).

''(e) DEADLINE FOR COMPLIANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), the chief executive officer of each retail electric supplier shall certify to the Secretary compliance with the energy storage portfolio standards established by subsection (b) by the applicable dates specified in that subsection.

''(2) WAIVERS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may provide to a retail electric supplier a waiver of an applicable deadline under subsection (b) for a period of 1 calendar year, if the Secretary determines that achieving compliance by the applicable deadline would present undue hardship to—

''(i) the retail electric supplier; or

''(ii) ratepayers of the retail electric supplier.

''(B) ADDITIONAL WAIVERS.—The Secretary may provide to a retail electric supplier such additional 1-year waivers under subparagraph (A) as the Secretary determines to be appropriate on making a subsequent determination under that subparagraph.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 609. Rural and remote communities electrification grants.

''Sec. 610. Energy storage portfolio standard.''.

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**SA 3124.** Mr. HEINRICH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

**SEC. 23_____. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.**

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended to read as follows:

**''SEC. 216. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.**

''(a) POLICY.—It is the policy of the United States that the national interstate transmission system should be guided by the goal of maximizing the net benefits of the electricity system, taking into consideration—

''(1) support for the development of new, cleaner power generation capacity, including renewable energy generation located distant from load centers;

''(2) opportunities for reduced emissions from regional power production;

''(3) transmission needs driven by public policy requirements established by State or Federal laws (including regulations);

''(4) cost savings resulting from—

''(A) reduced transmission congestion;

''(B) enhanced opportunities for intraregional and interregional electricity trades;

''(C) reduced line losses;

''(D) generation resource-sharing; and

''(E) enhanced fuel diversity;

''(5) reliability benefits, including satisfying reliability standards and guidelines for resource adequacy and system security;

''(6) diversification of risk relating to events affecting fuel supply or generating resources in a particular region;

''(7) the enhancement of competition in electricity markets and mitigation of market power;

''(8) the ability to collocate facilities on existing rights-of-way;

''(9) competing land use priorities, including land protected under Federal or State law;

''(10) the requirements of section 217(b)(4); and

''(11) the contribution of demand side management (including energy efficiency and demand response), energy storage, distributed generation resources, and smart grid investments.

''(b) DEFINITIONS.—In this section:

''(1) HIGH-PRIORITY REGIONAL TRANSMISSION PROJECT.—The term 'high-priority regional transmission project' means an overhead, submarine, or underground transmission facility, including conductors or cables, towers, manhole duct systems, reactors, capacitors, circuit breakers, static VAR compensators, static synchronous compensators, power converters, transformers, synchronous condensers, braking resistors, and any ancillary facilities and equipment necessary for the proper operation of the facility, that is selected in a regional transmission plan for the purposes of cost allocation under Order Number 1000 of the Commission (or any successor order), including an interregional project selected under that plan.

''(2) INDIAN LAND.—The term 'Indian land' means land—

''(A) the title to which is held by the United States in trust for an Indian tribe or individual Indian; or

''(B) that is held by an Indian tribe or individual Indian subject to a restriction by the United States against alienation or encumbrance.

''(3) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(c) SITING.—

''(1) PURPOSES.—The purpose of this subsection is to ensure that high-priority regional transmission projects are in the public interest and advance the policy established under subsection (a).

''(2) STATE REVIEW OF PROJECT SITING.—

''(A) IN GENERAL.—No developer of a high-priority regional transmission project may seek a certificate for construction under subsection (d) unless the developer first seeks authorization to construct the high-priority regional transmission project under applicable State law concerning authorization and routing of transmission facilities.

''(B) FEDERAL AUTHORITY.—The Commission may authorize, in accordance with subsection (d), construction of a high-priority regional transmission project that the Commission finds to be required by the present or future public convenience and necessity and in accordance with this section if—

''(i) a State—

''(I) fails to approve construction and authorize routing of a high-priority regional transmission project not later than 1 year after the date the applicant submits a completed application for authorization to the State;

''(II) rejects or denies the application for a high-priority regional transmission project;

''(III) authorizes the high-priority regional transmission project subject to conditions that unreasonably interfere with the development of a high-priority regional transmission project contrary to the purposes of this section; or

''(IV) does not have authority to approve the siting of the high-priority regional transmission project; or

''(ii) the developer seeking a certificate for construction under subsection (d) does not qualify to apply for State authorization to construct a high-priority regional transmission project because the developer does not serve end-users in the State.

''(d) CONSTRUCTION.—

''(1) APPLICATION FOR CERTIFICATE.—

''(A) IN GENERAL.—An applicant for a high-priority regional transmission project may apply to the Commission for a certificate of public convenience and necessity with respect to construction of the high-priority regional transmission project only under a circumstance described in subsection (c)(2)(B).

''(B) FORM.—The application for a certificate shall be made in writing in such form and containing such information as the Commission may by regulation require.

''(C) HEARING.—On receipt of an application under this paragraph, the Commission—

''(i) shall provide public notice and opportunity for hearing; and

''(ii) may approve (with or without conditions) or disapprove the application, in accordance with paragraph (2).

''(D) ADMINISTRATION.—

''(i) IN GENERAL.—The Commission shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews for a high-priority regional transmission project under this section.

''(ii) COORDINATION.—To the maximum extent practicable, the Commission shall—

''(I) coordinate the Federal authorization and related environmental review process with any Indian tribe, multistate entity, or State agency responsible for conducting any separate permitting or environmental review of a high-priority regional transmission project; and

''(II) ensure timely and efficient review and permit decisions.

''(iii) TIMELINE.—The Commission, in consultation with the applicable agencies described in clause (ii)(I) and consistent with applicable law, shall establish a coordinated project plan with milestones for all Federal authorizations described in clause (i).

''(2) GRANT OF CERTIFICATE.—

''(A) IN GENERAL.—A certificate shall be issued to a qualified applicant for a certificate authorizing the whole or partial operation, construction, acquisition, or modification covered by the application, if the Commission determines that the proposed operation, construction, acquisition, or modification, to the extent authorized by the certificate, is required by the present or future public convenience and necessity.

''(B) TERMS AND CONDITIONS.—The Commission shall have the power to attach to the issuance of a certificate under this paragraph and to the exercise of the rights granted under the certificate such reasonable terms and conditions as the public convenience and necessity may require.

''(C) RECORD OF STATE PROCEEDING.—Any party, including the State, to a State proceeding in which an application for a high-priority regional transmission project was rejected or denied may file with the Commission for its consideration any portion of the record of the State proceeding.

''(D) PUBLIC CONVENIENCE AND NECESSITY.—In making a determination with respect to public convenience and necessity, the Commission shall consider whether the facilities covered by an application are included in an Interconnection-wide transmission grid plan for a high-priority regional transmission project.

''(3) RIGHT OF EMINENT DOMAIN.—If any holder of a certificate issued under paragraph (2) cannot acquire by contract, or is unable to agree with the owner of property on the compensation to be paid for, the necessary right-of-way to construct, operate, and maintain the high-priority regional transmission project to which the certificate relates, and the necessary land or other property necessary to the proper operation of the high-priority regional transmission project, the holder may acquire the right-of-way by the exercise of the right of eminent domain in—

''(A) the United States district court for the district in which the property is located; or

''(B) a State court.

''(4) FEDERAL, STATE AND TRIBAL RECOMMENDATIONS.—In granting a certificate under paragraph (2), the Commission shall—

''(A) seek from Federal resource agencies, State regulatory agencies, and affected Indian tribes recommended mitigation measures, based on habitat protection, environmental considerations, or cultural site protection; and

''(B)(i) incorporate those identified mitigation measures as conditions to the certificate; or

''(ii) if the Commission determines that a recommended mitigation measure is inconsistent with the purposes of this section or with other applicable provisions of law, is infeasible or not cost-effective, or for any other reason—

''(I) consult with the Federal resource agency, State regulatory agency, and affected Indian tribe to seek to resolve the issue;

''(II) incorporate as conditions to the certificate such recommended mitigation measures as are determined to be appropriate by the Commission, based on those consultations and the record before the Commission; and

''(III) if, after consultation, the Commission does not adopt in whole or in part a recommendation of an agency or affected Indian tribe, publish a statement of a finding that the adoption of the recommendation is infeasible, not cost-effective, or otherwise inconsistent with this section or other applicable provisions of law.

''(5) STATE OR LOCAL AUTHORIZATIONS.—An applicant receiving a certificate under this subsection with respect to construction or modification of a high-priority regional transmission project in a State shall not be required to obtain a separate siting authorization from the State or any local authority within the State.

''(6) RIGHTS-OF-WAY OVER INDIAN LAND.—Notwithstanding paragraph (3), in the case of siting, construction, operation, and maintenance of a transmission facility to be located on or over Indian land, a certificate holder under this section shall comply with the requirements of Federal law for obtaining rights-of-way on or over Indian land.

''(e) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—Except as specifically provided in this section, nothing in this section affects any requirement of an environmental or historic preservation law of the United States, including—

''(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(B) the Wilderness Act (16 U.S.C. 1131 et seq.); or

''(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

''(2) STATE LAW.—Nothing in this section precludes any person from constructing or modifying any transmission facility in accordance with State law.

''(f) APPLICABILITY.—

''(1) PROJECT DEVELOPERS.—Nothing in this section precludes the development, subject to applicable regulatory requirements, of transmission projects that are not selected in a regional transmission plan.

''(2) EXCLUSIONS.—This section does not apply in the State of Alaska or Hawaii or to the Electric Reliability Council of Texas.''.

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**SA 3125.** Mr. WHITEHOUSE (for himself, Mr. MARKEY, Mr. DURBIN, Mr. SANDERS, Mrs. SHAHEEN, Ms. BALDWIN, Mr. LEAHY, Mr. MURPHY, Mr. BLUMENTHAL, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. CAMPAIGN FINANCE DISCLOSURES BY FOSSIL FUEL BENEFICIARIES.**

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1974 (52 U.S.C. 30104) is amended by adding at the end the following new subsection:

''(j) DISCLOSURE BY FOSSIL FUEL BENEFICIARIES.—

''(1) IN GENERAL.—

''(A) INITIAL DISCLOSURE.—Every covered entity which has made covered disbursements and received covered transfers in an aggregate amount in excess of $10,000 during the period beginning on January 1, 2014, and ending on the date that is 165 days after the date of the enactment of this subsection shall file with the Commission a statement containing the information described in paragraph (2) not later than the date that is 180 days after the date of the enactment of this subsection.

''(B) SUBSEQUENT DISCLOSURES.—Every covered entity which makes covered disbursements (other than covered disbursement reported under subparagraph (A)) and received covered transfers (other than a covered transfer reported under subparagraph (A)) in an aggregate amount in excess of $10,000 during any calendar year shall, within 48 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

''(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

''(A) The identification of the person making the disbursement or receiving the transfer, of any person sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement or receiving the transfer.

''(B) The principal place of business of the person making the disbursement or receiving the transfer, if not an individual.

''(C) The amount of each disbursement or transfer of more than $200 during the period covered by the statement and the identification of the person to whom the disbursement was made or from whom the transfer was received.

''(D) The elections to which the disbursements or transfers pertain and the names (if known) of the candidates involved.

''(E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to that account during—

''(i) in the case of a statement under paragraph (1)(A), during the period described in such paragraph, and

''(ii) in the case of a statement under paragraph (1)(B), the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than covered disbursements.

''(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to the person making the disbursement during—

''(i) in the case of a statement under paragraph (1)(A), during the period described in such paragraph, and

''(ii) in the case of a statement under paragraph (1)(B), the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

''(3) COVERED ENTITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered entity' means—

''(i) any person who is described in subparagraph (B), and

''(ii) any person who owns 5 percent or more of any person described in subparagraph (B).

''(B) PERSON DESCRIBED.—A person is described in this subparagraph if such person has received revenues or stands to receive revenues of $1,000,000 or greater from fossil fuel activities.

''(C) FOSSIL FUEL ACTIVITIES.—For purposes of this paragraph, the term 'fossil fuel activities' includes the extraction, production, refining, transportation, or combustion of oil, natural gas, or coal.

''(4) COVERED DISBURSEMENT.—For purposes of this subsection, the term 'covered disbursement' means a disbursement for any of the following:

''(A) An independent expenditure.

''(B) A broadcast, cable, or satellite communication (other than a communication described in subsection (f)(3)(B)) which—

''(i) refers to a clearly identified candidate for Federal office;

''(ii) is made—

''(I) in the case of a communication which refers to a candidate for an office other than President or Vice President, during the period beginning on January 1 of the calendar year in which a general or runoff election is held and ending on the date of the general or runoff election (or in the case of a special election, during the period beginning on the date on which the announcement with respect to such election is made and ending on the date of the special election); or

''(II) in the case of a communication which refers to a candidate for the office of President or Vice President, is made in any State during the period beginning 120 days before the first primary election, caucus, or preference election held for the selection of delegates to a national nominating convention of a political party is held in any State (or, if no such election or caucus is held in any State, the first convention or caucus of a political party which has the authority to nominate a candidate for the office of President or Vice President) and ending on the date of the general election; and

''(iii) in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate (within the meaning of subsection (f)(3)(C)).

''(C) A transfer to another person for the purposes of making a disbursement described in subparagraph (A) or (B).

''(5) COVERED TRANSFER.—For purposes of this subsection, the term 'covered transfer' means any amount received by a covered entity for the purposes of making a covered disbursement.

''(6) DISCLOSURE DATE.—For purposes of this subsection, the term 'disclosure date' means—

''(A) the first date during any calendar year by which a person has made covered disbursements and received covered transfers aggregating in excess of $10,000; and

''(B) any other date during such calendar year by which a person has made covered disbursements and received covered transfers aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

''(7) CONTRACTS TO DISBURSE; COORDINATION WITH OTHER REQUIREMENTS; ETC,.—Rules similar to the rules of paragraphs (5), (6), and (7) of subsection (f) shall apply for purposes of this subsection.''.

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**SA 3126.** Mr. LEE (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IV, add the following:

**SEC. 44_____. MODIFICATION OF AUTHORITY TO DECLARE NATIONAL MONUMENTS.**

Section 320301 of title 54, United States Code, is amended by adding at the end the following:

''(e) EFFECTIVE DATE.—A proclamation or reservation issued after the date of enactment of this subsection under subsection (a) or (b) shall expire 3 years after proclaimed or reserved unless specifically approved by—

''(1) a Federal law enacted after the date of the proclamation or reservation; and

''(2) a State law, for each State where the land covered by the proclamation or reservation is located, enacted after the date of the proclamation or reservation.''.

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**SA 3127.** Mr. LEE (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 424, strike lines 11 through 18.

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**SA 3128.** Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 340, beginning on line 10, strike ''Interior pursuant to'' and all that follows through ''agencies'' on line 11 and insert ''Interior and the Corps of Engineers pursuant to an agreement between the 3 agencies''.

Beginning on page 340, strike line 18 and all that follows through page 341, line 3, and insert the following:

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, and the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works, shall establish the joint NEWS Office and Interagency Coordination Committee on the Nexus of Energy and Water for Sustainability (or the ''NEWS Committee'') to carry out the duties described in paragraph (3).

(2) ADMINISTRATION.—

(A) CHAIRS.—The Secretary, the Secretary of the Interior, and the Assistant Secretary of the Army for Civil Works shall jointly manage the

On page 344, line 12, strike ''5-'' and insert ''4-''.

On page 345, after line 25, add the following:

(d) SUNSET.—This section terminates on the date that is 5 years after the date on which the NEWS Committee is established.

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**SA 3129.** Ms. STABENOW (for herself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**Subtitle I—Prevention and Protection From Lead Exposure**

**SEC. 4801. DRINKING WATER INFRASTRUCTURE.**

Part B of the Safe Drinking Water Act (42 U.S.C. 300g et seq.) is amended by adding at the end the following:

**''SEC. 1420A. LEAD PREVENTION GRANT PROGRAM.**

''(a) DEFINITIONS.—In this section:

''(1) CITY.—The term 'City' means the City of Flint, Michigan.

''(2) STATE.—The term 'State' means the State of Michigan.

''(b) GRANT PROGRAM.—

''(1) ESTABLISHMENT.—Using funds made available under section 4805(a) of the Energy Policy Modernization Act of 2016, the Administrator shall make grants to the State and the City for use in accordance with this subsection.

''(2) USE OF FUNDS.—The use of funds from a grant made under this subsection shall be—

''(A) determined by the Administrator, in consultation with the State and the City; and

''(B) used only for an activity authorized under paragraph (3).

''(3) AUTHORIZED ACTIVITIES.—

''(A) IN GENERAL.—The Administrator may authorize the use by the State or the City of funds from a grant under this subsection to carry out any activity that the Administrator determines is necessary to ensure that the drinking water supply of the City does not contain—

''(i) lead levels that threaten public health or the environment; or

''(ii) lead, other drinking water contaminants, and pathogens that pose a threat to public health.

''(B) INCLUSIONS.—Authorized activities under subparagraph (A) may include—

''(i) testing, evaluation, and sampling of water supplies and public and private water service lines in the water distribution system of the City;

''(ii) repairs and upgrades to water treatment facilities that serve the City;

''(iii) optimization of corrosion control treatment of the public and private water service lines in the water distribution system of the City;

''(iv) repairs to water mains and replacement of public and private water service lines in the water distribution system of the City; and

''(v) modification or construction of new pipelines and treatment system startup evaluations needed to ensure optimal treatment of water from the Karegnondi Water Authority before and after the transition to this new source.

''(4) MATCHING REQUIREMENT.—As a condition of the State or the City receiving a grant under this subsection, the Administrator shall require the State to provide funds from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

''(c) ADMINISTRATION.—The Administrator may use funds made available under section 4805(a) of the Energy Policy Modernization Act of 2016—

''(1) for the costs of technical assistance provided by the Environmental Protection Agency or by contractors of the Environmental Protection Agency; and

''(2) for administrative activities in support of authorized activities.

''(d) REPORT.—Not later than 45 days after the first day of each of fiscal years 2017, 2018, 2019, 2020, and 2021, the Administrator shall submit to the Committee on Appropriations of the Senate, the Committee on Environment and Public Works of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the actions taken to carry out the purposes of the grant program, as described in subsection (b)(3).

''(e) SUNSET.—The authority provided by this section terminates on March 1, 2021.''.

**SEC. 4802. LOAN FORGIVENESS.**

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, that in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

**SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.**

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

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

''(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (2) the following:

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.''.

(b) CONFORMING AMENDMENTS.—Section 1414 (c) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (3)(B), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

**SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.**

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means the Center of Excellence on Lead Exposure established under subsection (b).

(2) CITY.—The term ''City'' means the City of Flint, Michigan.

(3) COMMUNITY.—The term ''community'' means the community of the City.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means the State of Michigan.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by contract, grant, or cooperative agreement, establish in the City a center to be known as the ''Center of Excellence on Lead Exposure''.

(c) COLLABORATION.—The Center shall collaborate with research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, public health agencies of Genesee County in the State, and the State in the development and operation of the Center.

(d) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

(A) an epidemiologist;

(B) a toxicologist;

(C) a mental health professional;

(D) a pediatrician;

(E) an early childhood education expert;

(F) a special education expert;

(G) a dietician;

(H) an environmental health expert; and

(I) 2 community representatives.

(2) APPLICATION OF FACA.—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) RESPONSIBILITIES.—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring for City residents who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Conduct research on physical, behavioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Develop lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Conduct education and outreach efforts for the City, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct regular meetings in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Biannually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or with the Center; and

(3) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

**SEC. 4805. FUNDING.**

(a) LEAD PREVENTION GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 5 days after the date of enactment of this Act, out

of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Environmental Protection Agency to carry out section 1420A of the Safe Drinking Water Act (as added by section 4801) $400,000,000, to remain available until March 1, 2021.

(2) RECEIPT AND ACCEPTANCE.—The Administrator of the Environmental Protection Agency shall be entitled to receive, shall accept, and shall use to carry out section 1420A of the Safe Drinking Water Act (as added by section 4801) the funds transferred under paragraph (1), without further appropriation.

(3) REVERSION OF FUNDS.—Any funds transferred under paragraph (1) that are unexpended or unobligated as of March 1, 2021, shall revert to the general fund of the Treasury.

(b) CENTER OF EXCELLENCE ON LEAD EXPOSURE.—

(1) IN GENERAL.—On October 1, 2016, and on each October 1 thereafter through October 1, 2025, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Health and Human Services to carry out section 4804 $20,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Health and Human Services shall be entitled to receive, shall accept, and shall use to carry out section 4804 the funds transferred under paragraph (1), without further appropriation.

**SEC. 4806. EMERGENCY DESIGNATION.**

(a) IN GENERAL.—This subtitle and the amendments made by this subtitle are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this subtitle and the amendments made by this subtitle are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

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**SA 3130.** Mr. WARNER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. ENERGY PRODUCTIVITY INNOVATION CHALLENGE.**

(a) PURPOSE.—The purpose of this section is to assist energy policy innovation in the States to promote the goal of doubling electric and thermal energy productivity by January 1, 2030.

(b) DEFINITIONS.—In this section:

(1) ENERGY PRODUCTIVITY.—The term ''energy productivity'' means, in the case of a State or Indian tribe, the gross State or tribal product per British thermal unit of energy consumed in the State or tribal land of the Indian tribe, respectively.

(2) 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).

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

(4) STATE.—The term ''State'' has the meaning given the term in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202).

(c) PHASE 1: INITIAL ALLOCATION OF GRANTS TO STATES.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue an invitation to States to submit plans to participate in an electric and thermal energy productivity challenge in accordance with this subsection.

(2) GRANTS.—

(A) IN GENERAL.—Subject to subsection (f), the Secretary shall use funds made available under subsection (g)(2)(A) to provide an initial allocation of grants to not more than 25 States.

(B) AMOUNT.—The amount of a grant provided to a State under this subsection shall be not less than $500,000 nor more than $1,750,000.

(3) SUBMISSION OF PLANS.—To receive a grant under this subsection, not later than 90 days after the date of issuance of the invitation under paragraph (1), a State (in consultation with energy utilities, regulatory bodies, and others) shall submit to the Secretary an application to receive the grant by submitting a revised State energy conservation plan under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(4) DECISION BY SECRETARY.—

(A) BASIS.—The Secretary shall base the decision of the Secretary on an application submitted under this subsection on—

(i) plans for improvement in electric and thermal energy productivity consistent with this section; and

(ii) other factors determined appropriate by the Secretary, including geographic diversity.

(B) RANKING.—The Secretary shall—

(i) rank revised plans submitted under this subsection in order of the greatest to least likely contribution to improving energy productivity in the State; and

(ii) provide grants under this subsection in accordance with the ranking and the scale and scope of a plan.

(5) PLAN REQUIREMENTS.—A plan submitted under paragraph (3) shall provide—

(A) a description of the manner in which—

(i) energy savings will be monitored and verified and energy productivity improvements will be calculated using inflation-adjusted dollars;

(ii) a statewide baseline of energy use and potential resources for calendar year 2010 will be established to measure improvements;

(iii) the plan will promote achievement of energy savings and demand reduction goals;

(iv) public and private sector investments in energy efficiency will be leveraged with available Federal funding; and

(v) the plan will not cause cost-shifting among utility customer classes or negatively impact low-income populations; and

(B) an assurance that—

(i) the State energy office required to submit the plan, the energy utilities in the State participating in the plan, and the State public service commission are cooperating and coordinating programs and activities under this section;

(ii) the State is cooperating with local units of government, Indian tribes, and energy utilities to expand programs as appropriate; and

(iii) grants provided under this section will be used to supplement and not supplant Federal, State, or ratepayer-funded programs or activities in existence on the date of enactment of this Act.

(6) USES.—A State may use grants provided under this subsection to promote—

(A) the expansion of policies and programs that will advance industrial energy efficiency, waste heat recovery, combined heat and power, and waste heat-to-power utilization;

(B) the expansion of policies and programs that will advance energy efficiency construction and retrofits for public and private commercial buildings (including schools, hospitals, and residential buildings, including multifamily buildings) such as through expanded energy service performance contracts, equivalent utility energy service contracts, zero net-energy buildings, and improved building energy efficiency codes;

(C) the expansion of residential policies and programs designed to implement best practice policies and tools for residential retrofit programs that—

(i) reduce administrative and delivery costs for energy efficiency projects;

(ii) encourage streamlining and automation to support contractor engagement; and

(iii) implement systems that encourage private investment and market innovation;

(D) the establishment or expansion of incentives in the electric utility sector to enhance demand response and energy efficiency, including consideration of additional incentives to promote the purposes of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)), such as appropriate, cost-effective policies regarding rate structures, grid improvements, behavior change, combined heat and power and waste heat-to-power incentives, financing of energy efficiency programs, data use incentives, district heating, and regular energy audits; and

(E) leadership by example, in which State activities involving both facilities and vehicle fleets can be a model for other action to promote energy efficiency and can be expanded with Federal grants provided under this section.

(d) PHASE 2: SUBSEQUENT ALLOCATION OF GRANTS TO STATES.—

(1) REPORTS.—Not later than 18 months after the receipt of grants under subsection (c), each State (in consultation with other parties described in paragraph (2)(C)(vi)) that received grants under subsection (c) may submit to the Secretary a report that describes—

(A) the performance of the programs and activities carried out with the grants; and

(B) in consultation with other parties described in paragraph (2)(C)(vi), the manner in which additional funds would be used to carry out programs and activities to promote the purposes of this section.

(2) GRANTS.—

(A) IN GENERAL.—Not later than 180 days after the date of the receipt of the reports required under paragraph (1), subject to subsection (f), the Secretary shall use amounts made available under subsection (g)(2)(B) to provide grants to not more than 6 States to carry out the programs and activities described in paragraph (1)(B).

(B) AMOUNT.—The amount of a grant provided to a State under this subsection shall be not more than $15,000,000.

(C) BASIS.—The Secretary shall base the decision of the Secretary to provide grants under this subsection on—

(i) the performance of the State in the programs and activities carried out with grants provided under subsection (c);

(ii) the potential of the programs and activities described in paragraph (1)(B) to achieve the purposes of this section;

(iii) the desirability of maintaining a total project portfolio that is geographically and functionally diverse;

(iv) the amount of non-Federal funds that are leveraged as a result of the grants to ensure that Federal dollars are leveraged effectively;

(v) plans for continuation of the improvements after the receipt of grants under this section; and

(vi) demonstrated effort by the State to involve diverse groups, including—

(I) investor-owned, cooperative, and public power utilities;

(II) local governments; and

(III) nonprofit organizations.

(e) ALLOCATION OF GRANTS TO INDIAN TRIBES.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall invite Indian tribes to submit plans to participate in an electric and thermal energy productivity challenge in accordance with this subsection.

(2) SUBMISSION OF PLANS.—To receive a grant under this subsection, not later than 90 days after the date of issuance of the invitation under paragraph (1), an Indian tribe shall submit to the Secretary a plan to increase electric and thermal energy productivity by the Indian tribe.

(3) DECISION BY SECRETARY.—

(A) IN GENERAL.—Not later than 90 days after the submission of plans under paragraph (2), the Secretary shall make a final decision on the allocation of grants under this subsection.

(B) BASIS.—The Secretary shall base the decision of the Secretary under subparagraph (A) on—

(i) plans for improvement in electric and thermal energy productivity consistent with this section;

(ii) plans for continuation of the improvements after the receipt of grants under this section; and

(iii) other factors determined appropriate by the Secretary, including—

(I) geographic diversity; and

(II) size differences among Indian tribes.

(C) LIMITATION.—An individual Indian tribe shall not receive more than 20 percent of the total amount available to carry out this subsection.

(f) ADMINISTRATION.—

(1) INDEPENDENT EVALUATION.—To evaluate program performance and effectiveness under this section, the Secretary shall consult with the National Research Council regarding requirements for data and evaluation for recipients of grants under this section.

(2) COORDINATION WITH STATE ENERGY CONSERVATION PROGRAMS.—

(A) IN GENERAL.—Grants to States under this section shall be provided through additional funding to carry out State energy conservation programs under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(B) RELATIONSHIP TO STATE ENERGY CONSERVATION PROGRAMS.—

(i) IN GENERAL.—A grant provided to a State under this section shall be used to supplement (and not supplant) funds provided to the State under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(ii) MINIMUM FUNDING.—A grant shall not be provided to a State for a fiscal year under this section if the amount of funding provided to all State grantees under the base formula for the fiscal year under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is less than $50,000,000.

(3) VOLUNTARY PARTICIPATION.—The participation of a State in a challenge established under this section shall be voluntary.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $100,000,000 for the period of fiscal years 2017 and 2018.

(2) ALLOCATION.—Of the total amount of funds made available under paragraph (1)—

(A) 30 percent shall be used to provide an initial allocation of grants to States under subsection (c);

(B) 61 percent shall be used to provide a subsequent allocation of grants to States under subsection (d);

(C) 4 percent shall be used to make grants to Indian tribes under subsection (e); and

(D) 5 percent shall be available to the Secretary for the cost of administration and technical support to carry out this section.

(h) OFFSET.—Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

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

''(4) $200,000,000 for each of fiscal years 2013 through 2016;

''(5) $150,000,000 for each of fiscal years 2017 and 2018; and

''(6) $200,000,000 for fiscal year 2019.''.

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**SA 3131.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1306, add the following:

(h) SECONDARY USE APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall carry out a research, development, and demonstration program that—

(A) builds on any work carried out under section 915 of the Energy Policy Act of 2005 (42 U.S.C. 16195);

(B) identifies possible uses of a vehicle battery after the useful life of the battery in a vehicle has been exhausted;

(C) conducts long-term testing to verify performance and degradation predictions and lifetime valuations for secondary uses;

(D) evaluates innovative approaches to recycling materials from plug-in electric drive vehicles and the batteries used in plug-in electric drive vehicles;

(E)(i) assesses the potential for markets for uses described in subparagraph (B) to develop; and

(ii) identifies any barriers to the development of those markets; and

(F) identifies the potential uses of a vehicle battery—

(i) with the most promise for market development; and

(ii) for which market development would be aided by a demonstration project.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress an initial report on the findings of the program described in paragraph (1), including recommendations for stationary energy storage and other potential applications for batteries used in plug-in electric drive vehicles.

(3) SECONDARY USE DEMONSTRATION.—

(A) IN GENERAL.—Based on the results of the program described in paragraph (1), the Secretary shall develop guidelines for projects that demonstrate the secondary uses and innovative recycling of vehicle batteries.

(B) PUBLICATION OF GUIDELINES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) publish the guidelines described in subparagraph (A); and

(ii) solicit applications for funding for demonstration projects.

(C) PILOT DEMONSTRATION PROGRAM.—Not later than 21 months after the date of enactment of this Act, the Secretary shall select proposals for grant funding under this section, based on an assessment of which proposals are mostly likely to contribute to the development of a secondary market for batteries.

**SA 3132.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

**SEC. 10___. PERMANENT EXTENSION AND MODIFICATION OF DEDUCTION FOR ENERGY-EFFICIENT COMMERCIAL BUILDINGS.**

(a) EXTENSION AND MODIFICATION.—

(1) EXTENSION.—Section 179D of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(2) INCLUSION OF MULTIFAMILY BUILDINGS.—

(A) IN GENERAL.—Subparagraph (B) of section 179D(c)(1) of such Code is amended by striking ''building'' and inserting ''commercial building or multifamily building''.

(B) DEFINITIONS.—Subsection (c) of section 179D of such Code is amended by adding at the end the following new paragraphs:

''(3) COMMERCIAL BUILDING.—The term 'commercial building' means a building with a primary use or purpose other than as residential housing.

''(4) MULTIFAMILY BUILDING.—The term 'multifamily building' means a structure of 5 or more dwelling units with a primary use as residential housing, and includes such buildings owned and operated as a condominium, cooperative, or other common interest community.''.

(b) INCREASE IN MAXIMUM AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''$1.80'' and inserting ''$3.00''.

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) of such Code is amended to read as follows:

''(1) PARTIAL ALLOWANCE.—

''(A) IN GENERAL.—Except as provided in subsection (f), if—

''(i) the requirement of subsection (c)(1)(D) is not met, but

''(ii) there is a certification in accordance with paragraph (6) that—

''(I) any system referred to in subsection (c)(1)(C) satisfies the energy-savings targets established by the Secretary under subparagraph (B) with respect to such system, or

''(II) the systems referred to in subsection (c)(1)(C)(ii) and subsection (c)(1)(C)(iii) together satisfy the energy-savings targets established by the Secretary under subparagraph (B) with respect to such systems,

then the requirement of subsection (c)(1)(D) shall be treated as met with respect to such system or systems, and the deduction under subsection (a) shall be allowed with respect to energy-efficient commercial building property installed as part of such system and as part of a plan to meet such targets, except that subsection (b) shall be applied to such property described in clause (ii)(I) by substituting '$1.00' for '$3.00' and to such property described in clause (ii)(II) by substituting '$2.20' for '$3.00'.

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy, shall promulgate regulations establishing a target for each system described in subsection (c)(1)(C) which, if such targets were met for all such systems, the property would meet the requirements of subsection (c)(1)(D).

''(ii) SAFE HARBOR FOR COMBINED SYSTEMS.—The Secretary, after consultation with the Secretary of Energy, and not later than 6 months after the date of the enactment of the Energy Policy Modernization

Act of 2015, shall promulgate regulations regarding combined envelope and mechanical system performance that detail appropriate components, efficiency levels, or other relevant information for the systems referred to in subsection (c)(1)(C)(ii) and subsection (c)(1)(C)(iii) together to be deemed to have achieved two-thirds of the requirements of subsection (c)(1)(D).''.

(c) DENIAL OF DOUBLE BENEFIT RULES.—

(1) IN GENERAL.—Section 179D of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) TAX INCENTIVES NOT AVAILABLE.—Energy-efficient measures for which a deduction is allowed under this section shall not be eligible for a deduction under section 179F.''.

(2) LOW-INCOME HOUSING EXCEPTION TO BASIS REDUCTION.—Subsection (e) of section 179D of such Code is amended by inserting ''(other than property placed in service in a qualified low-income building (within the meaning of section 42))'' after ''building property''.

(d) ALLOCATION OF DEDUCTION.—Paragraph (4) of section 179D(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(4) ALLOCATION OF DEDUCTION.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of the Energy Policy Modernization Act of 2015, the Secretary, in consultation with the Secretary of Energy, shall promulgate a regulation to allow the owner of a commercial or multifamily building, including a government, tribal, or non-profit owner, to allocate any deduction allowed under this section, or a portion thereof, to the person primarily responsible for designing the property in lieu of the owner or to a commercial tenant that leases or otherwise occupies space in such building pursuant to a written agreement. Such person shall be treated as the taxpayer for purposes of this section.

''(B) FORM OF ALLOCATION.—An allocation made under this paragraph shall be in writing and in a form that meets the form of allocation requirements in Notice 2008–40 of the Internal Revenue Service.

''(C) PROVISION OF ALLOCATION.—Not later than 30 days after receipt of a written request from a person eligible to receive an allocation under this paragraph, the owner of a building that makes an allocation under this paragraph shall provide the form of allocation (as described in subparagraph (B)) to such person.

''(D) ALLOCATION FROM PUBLIC OWNER OF BUILDING.—In the case of a commercial building or multifamily building that is owned by a Federal, State, or local government or a subdivision thereof, Notice 2006–52 of the Internal Revenue Service, as amplified by Notice 2008–40, shall apply to any allocation.''.

(e) TREATMENT OF BASIS IN CONTEXT OF ALLOCATION.—Subsection (e) of section 179D of the Internal Revenue Code of 1986, as amended by subsection (c)(2), is amended by inserting ''or so allocated'' after ''so allowed''.

(f) EARNINGS AND PROFITS CONFORMITY FOR REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (B) of section 312(k)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''.—For purposes of'' and inserting ''.—

''(i) IN GENERAL.—Except as provided in clause (ii), for purposes of'', and

(2) by adding at the end the following new clause:

''(ii) EARNINGS AND PROFITS CONFORMITY FOR REAL ESTATE INVESTMENT TRUSTS.—

''(I) IN GENERAL.—For purposes of computing the earnings and profits of a real estate investment trust (other than a captive real estate investment trust), the entire amount deductible under section 179D shall be allowed as deductions in the taxable years for which such amounts are claimed under such section.

''(II) CAPTIVE REAL ESTATE INVESTMENT TRUST.—The term 'captive real estate investment trust' means a real estate investment trust the shares or beneficial interests of which are not regularly traded on an established securities market and more than 50 percent of the voting power or value of the beneficial interests or shares of which are owned or controlled, directly or indirectly, or constructively, by a single entity that is treated as an association taxable as a corporation under this title and is not exempt from taxation pursuant to the provisions of section 501(a).

''(III) RULES OF APPLICATION.—For purposes of this clause, the constructive ownership rules of section 318(a), as modified by section 856(d)(5), shall apply in determining the ownership of stock, assets, or net profits of any person, and the following entities are not considered an association taxable as a corporation:

''(aa) Any real estate investment trust other than a captive real estate investment trust.

''(bb) Any qualified real estate investment trust subsidiary under section 856, other than a qualified REIT subsidiary of a captive real estate investment trust.

''(cc) Any Listed Australian Property Trust (meaning an Australian unit trust registered as a 'Managed Investment Scheme' under the Australian Corporations Act in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market), or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting power or value of the beneficial interests or shares of such trust.

''(dd) Any corporation, trust, association, or partnership organized outside the laws of the United States and which satisfies the criteria described in subclause (IV).

''(IV) CRITERIA.—The criteria described in this subclause are as follows:

''(aa) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets (as defined in section 856(c)(5)(B)), cash and cash equivalents, and United States Government securities.

''(bb) The entity is not subject to tax on amounts distributed to its beneficial owners, or is exempt from entity-level taxation.

''(cc) The entity distributes at least 85 percent of its taxable income (as computed in the jurisdiction in which it is organized) to the holders of its shares or certificates of beneficial interest on an annual basis.

''(dd) Not more than 10 percent of the voting power or value in such entity is held directly or indirectly or constructively by a single entity or individual, or the shares or beneficial interests of such entity are regularly traded on an established securities market.

''(ee) The entity is organized in a country which has a tax treaty with the United States.''.

(g) RULES FOR LIGHTING SYSTEMS.—Subsection (f) of section 179D of the Internal Revenue Code of 1986 is amended to read as follows:

''(f) RULES FOR LIGHTING SYSTEMS.—

''(1) IN GENERAL.—With respect to property that is part of a lighting system, the deduction allowed under subsection (a) shall be equal to—

''(A) for a lighting system that includes installation of a lighting control described in paragraph (2)(A), the applicable amount determined under paragraph (3)(A),

''(B) for a lighting system that includes installation of a lighting control described in paragraph (2)(B), the applicable amount determined under paragraph (3)(B), or

''(C) for a lighting system that does not include installation of any lighting controls described in subparagraph (A) or (B) of paragraph (2), the applicable amount determined under paragraph (3)(C).

''(2) ENERGY SAVING CONTROLS.—

''(A) LIGHTING CONTROLS IN CERTAIN SPACES.—For purposes of paragraph (1)(A), the lighting controls described in this subparagraph are the following:

''(i) Occupancy sensors (as described in paragraph (4)(I)) in spaces not greater than 800 square feet.

''(ii) Bi-level controls (as described in paragraph (4)(A)).

''(iii) Continuous or step dimming controls (as described in subparagraphs (B) and (K) of paragraph (4)).

''(iv) Daylight dimming where sufficient daylight is available (as described in paragraph (4)(C)).

''(v) A multi-scene controller (as described in paragraph (4)(H)).

''(vi) Time scheduling controls (as described in paragraph (4)(L)), provided that such controls are not required by Standard 90.1-2010.

''(vii) Such other lighting controls as the Secretary, in consultation with the Secretary of Energy, determines appropriate.

''(B) OTHER CONTROL TYPES.—For purposes of paragraph (1)(B), the lighting controls described in this subparagraph are the following:

''(i) Occupancy sensors (as described in paragraph (4)(I)) in spaces greater than 800 square feet.

''(ii) Demand responsive controls (as described in paragraph (4)(D)).

''(iii) Lumen maintenance controls (as described in paragraph (4)(F)) where solid state lighting is used.

''(iv) Such other lighting controls as the Secretary, in consultation with the Secretary of Energy, determines appropriate.

''(3) APPLICABLE AMOUNT.—

''(A) LIGHTING CONTROLS IN CERTAIN SPACES.—For purposes of paragraph (1)(A), the applicable amount shall be determined in accordance with the following table:

| "If the percentage of reduction in lighting power density is not less than: | The amount of the deduction per square foot is: |
|---|---|
| 15 percent | $0.30 |
| 20 percent | $0.44 |
| 25 percent | $0.58 |
| 30 percent | $0.72 |
| 35 percent | $0.86 |
| 40 percent | $1.00. |

''(B) LIGHTING CONTROLS IN LARGER SPACES AND WHERE SOLID LIGHTING IS USED.—For purposes of paragraph (1)(B), the applicable amount shall be determined in accordance with the following table:

| "If the percentage of reduction in lighting power density is not less than: | The amount of the deduction per square foot is: |
|---|---|
| 20 percent | $0.30 |
| 25 percent | $0.44 |
| 30 percent | $0.58 |
| 35 percent | $0.72 |
| 40 percent | $0.86 |
| 45 percent | $1.00. |

''(C) NO QUALIFIED LIGHTING CONTROLS.—For purposes of paragraph (1)(C), the applicable amount shall be determined in accordance with the following table:

| "If the percentage of reduction in lighting power density is not less than: | The amount of the deduction per square foot is: |
|---|---|
| 25 percent | $0.30 |

| "If the percentage of reduction in lighting power density is not less than: | The amount of the deduction per square foot is: |
|---|---|
| 30 percent | $0.44 |
| 35 percent | $0.58 |
| 40 percent | $0.72 |
| 45 percent | $0.86 |
| 50 percent | $1.00. |

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) BI-LEVEL CONTROL.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'bi-level control' means a lighting control strategy that provides for 2 different levels of lighting.

''(ii) FULL-OFF SETTING.—For purposes of clause (i), a bi-level control shall also provide for a full-off setting.

''(B) CONTINUOUS DIMMING.—The term 'continuous dimming' means a lighting control strategy that adjusts the light output of a lighting system between minimum and maximum light output in a manner that is not perceptible.

''(C) DAYLIGHT DIMMING; SUFFICIENT DAYLIGHT.—

''(i) DAYLIGHT DIMMING.—The term 'daylight dimming' means any device that—

''(I) adjusts electric lighting power in response to the amount of daylight that is present in an area, and

''(II) provides for separate control of the lamps for general lighting in the daylight area by not less than 1 multi-level photocontrol, including continuous dimming devices, that satisfies the following requirements:

''(aa) The light sensor for the multi-level photocontrol is remote from where calibration adjustments are made.

''(bb) The calibration adjustments are readily accessible.

''(cc) The multi-level photocontrol reduces electric lighting power in response to the amount of daylight with—

''(AA) not less than 1 control step that is between 50 percent and 70 percent of design lighting power, and

''(BB) not less than 1 control step that is not less than 35 percent of design lighting power.

''(ii) SUFFICIENT DAYLIGHT.—

''(I) IN GENERAL.—The term 'sufficient daylight' means—

''(aa) in the case of toplighted areas, when the total daylight area under skylights plus the total daylight area under rooftop monitors in an enclosed space is greater than 900 square feet (as defined in Standard 90.1-2010), and

''(bb) in the case of sidelighted areas, when the combined primary sidelight area in an enclosed space is not less than 250 square feet (as defined in Standard 90.1-2010).

''(II) EXCEPTIONS.—Sufficient daylight shall be deemed to not be available if—

''(aa) in the case of areas described in subclause (I)(aa)—

''(AA) for daylighted areas under skylights, it is documented that existing adjacent structures or natural objects block direct beam sunlight for more than 1500 daytime hours (after 8 a.m. and before 4 p.m., local time) per year,

''(BB) for daylighted areas, the skylight effective aperture is less than 0.006, or

''(CC) for buildings in climate zone 8, as defined under Standard 90.1-2010, the daylight areas total less than 1500 square feet in an enclosed space, and

''(bb) in the case of primary sidelighted areas described in subclause (I)(bb)—

''(AA) the top of the existing adjacent structures are at least twice as high above the windows as the distance from the window, or

''(BB) the sidelighting effective aperture is less than 0.1.

''(iii) DAYLIGHT, SIDELIGHTING, AND OTHER RELATED TERMS.—The terms 'daylight area', 'daylight area under skylights', 'daylight area under rooftop monitors', 'daylighted area', 'enclosed space', 'primary sidelighted areas', 'sidelighting effective aperture', and 'skylight effective aperture' have the same meaning given such terms under Standard 90.1-2010.

''(D) DEMAND RESPONSIVE CONTROL.—

''(i) IN GENERAL.—The term 'demand responsive control' means a control device that receives and automatically responds to a demand response signal and—

''(I) in the case of space-conditioning systems, conducts a centralized demand shed for non-critical zones during a demand response period and that has the capability to, on a signal from a centralized contract or software point within an Energy Management Control System—

''(aa) remotely increase the operating cooling temperature set points in such zones by not less than 4 degrees,

''(bb) remotely decrease the operating heating temperature set points in such zones by not less than 4 degrees,

''(cc) remotely reset temperatures in such zones to originating operating levels, and

''(dd) provide an adjustable rate of change for any temperature adjustment and reset, and

''(II) in the case of lighting power, has the capability to reduce lighting power by not less than 30 percent during a demand response period.

''(ii) DEMAND RESPONSE PERIOD.—The term 'demand response period' means a period in which short-term adjustments in electricity usage are made by end-use customers from normal electricity consumption patterns, including adjustments in response to—

''(I) the price of electricity, and

''(II) participation in programs or services that are designed to modify electricity usage in response to wholesale market prices for electricity or when reliability of the electrical system is in jeopardy.

''(iii) DEMAND RESPONSE SIGNAL.—The term 'demand response signal' means a signal sent to an end-use customer by a local utility, independent system operator, or designated curtailment service provider or aggregator that—

''(I) indicates an adjustment in the price of electricity, or

''(II) is a request to modify electricity consumption.

''(E) LAMP.—The term 'lamp' means an artificial light source that produces optical radiation (including ultraviolet and infrared radiation).

''(F) LUMEN MAINTENANCE CONTROL.—The term 'lumen maintenance control' means a lighting control strategy that maintains constant light output by adjusting lamp power to compensate for age and cleanliness of luminaires.

''(G) LUMINAIRE.—The term 'luminaire' means a complete lighting unit for the production, control, and distribution of light that consists of—

''(i) not less than 1 lamp, and

''(ii) any of the following items:

''(I) Optical control devices designed to distribute light.

''(II) Sockets or mountings for the positioning, protection, and operation of the lamps.

''(III) Mechanical components for support or attachment.

''(IV) Electrical and electronic components for operation and control of the lamps.

''(H) MULTI-SCENE CONTROL.—The term 'multi-scene control' means a lighting control device or system that allows for—

''(i) not less than 2 predetermined lighting settings,

''(ii) a setting that turns off all luminaires in an area, and

''(iii) a recall of the settings described in clauses (i) and (ii) for any luminaires or groups of luminaires to adjust to multiple activities within the area.

''(I) OCCUPANCY SENSOR.—The term 'occupancy sensor' means a control device that—

''(i) detects the presence or absence of individuals within an area and regulates lighting, equipment, or appliances according to a required sequence of operation,

''(ii) shuts off lighting when an area is unoccupied,

''(iii) except in areas designated as emergency egress and using less than 0.2 watts per square foot of floor area, provides for manual shut-off of all luminaires regardless of the status of the sensor and allows for—

''(I) independent control in each area enclosed by ceiling-height partitions,

''(II) controls that are readily accessible, and

''(III) operation by a manual switch that is located in the same area as the lighting that is subject to the control device.

''(J) STANDARD 90.1-2010.—The term 'Standard 90.1-2010' means Standard 90.1-2010 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America.

''(K) STEP DIMMING.—The term 'step dimming' means a lighting control strategy that adjusts the light output of a lighting system by 1 or more predetermined amounts of greater than 1 percent of full output in a manner that may be perceptible.

''(L) TIME SCHEDULING CONTROL.—The term 'time scheduling control' means a control strategy that automatically controls lighting, equipment, or systems based on a particular time of day or other daily event (including sunrise and sunset).''.

(h) TREATMENT OF LIGHTING SYSTEMS.—Section 179D(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''interior'' each place it appears.

(i) REPORTING PROGRAM.—Section 179D of the Internal Revenue Code of 1986, as amended by subsection (c)(1), is amended by adding at the end the following new subsection:

''(i) REPORTING PROGRAM.—For purposes of the report required under section 179F(1), the Secretary, in consultation with the Secretary of Energy, shall—

''(1) develop a program to collect a statistically valid sample of energy consumption data from taxpayers that received full deductions under this section, regardless of whether such taxpayers allocated all or a portion of such deduction, and

''(2) include such data in the report, with such redactions as deemed necessary to protect the personally identifiable information of such taxpayers.''.

(j) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—Section 179D of the Internal Revenue Code of 1986, as amended by subsection (i), is amended by adding at the end the following new subsection:

''(j) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, this section shall be applied at the partner or shareholder level, subject to such reporting requirements as are determined appropriate by the Secretary.''.

(k) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

**SEC. 10___. DEDUCTION FOR RETROFITS OF EXISTING COMMERCIAL AND MULTI-FAMILY BUILDINGS.**

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 179E the following new section:

**"SEC. 179F. DEDUCTION FOR RETROFITS OF EXISTING COMMERCIAL AND MULTIFAMILY BUILDINGS.**

''(a) ALLOWANCE OF DEDUCTION.—

''(1) IN GENERAL.—With respect to each certified retrofit plan, there shall be allowed as a deduction an amount equal to the lesser of—

''(A) the sum of—

''(i) the design deduction, and

''(ii) the realized deduction, or

''(B) the total cost to develop and implement such certified retrofit plan.

''(2) EXCEPTION.—For purposes of the amount described in paragraph (1)(B), if such amount is taken as a design deduction, no realized deduction shall be allowed.

''(b) DEDUCTION AMOUNTS.—For purposes of this section—

''(1) DESIGN DEDUCTION.—A design deduction shall be—

''(A) based on projected source energy savings as calculated in accordance with subsection (c)(3)(B),

''(B) correlated to the percent of source energy savings set forth in the general scale in paragraph (3)(A) that a certified retrofit plan is projected to achieve when energy-efficient measures are placed in service, and

''(C) equal to 60 percent of the amount allowed under the general scale.

''(2) REALIZED DEDUCTION.—

''(A) IN GENERAL.—A realized deduction shall be—

''(i) based on realized source energy savings as calculated in accordance with subsection (c)(3)(C),

''(ii) correlated to the percent of source energy savings set forth in the general scale in paragraph (3)(A) as realized by a certified retrofit plan, and

''(iii) equal to 40 percent of the amount allowed under the general scale.

''(B) ADJUSTMENT OF SOURCE ENERGY SAVINGS.—The percent of source energy savings for purposes of any realized deduction may vary from such savings projected when energy-efficient measures were placed in service for purposes of a design deduction under paragraph (1).

''(C) NO RECAPTURE OF DESIGN DEDUCTION.—Notwithstanding the regulations prescribed under subsection (f), no recapture of a design deduction shall be required where the owner of the commercial or multifamily building—

''(i) claims or allocates a design deduction when energy-efficient measures are placed into service pursuant to the terms and conditions of a certified retrofit plan, and

''(ii) is not eligible for or does not subsequently claim or allocate a realized deduction.

''(3) GENERAL SCALE.—

''(A) IN GENERAL.—The scale for deductions allowed under this section shall be—

''(i) $1.00 per square foot of retrofit floor area for 20 to 24 percent source energy savings,

''(ii) $1.50 per square foot of retrofit floor area for 25 to 29 percent source energy savings,

''(iii) $2.00 per square foot of retrofit floor area for 30 to 34 percent source energy savings,

''(iv) $2.50 per square foot of retrofit floor area for 35 to 39 percent source energy savings,

''(v) $3.00 per square foot of retrofit floor area for 40 to 44 percent source energy savings,

''(vi) $3.50 per square foot of retrofit floor area for 45 to 49 percent source energy savings, and

''(vii) $4.00 per square foot of retrofit floor area for 50 percent or more source energy savings.

''(B) HISTORIC BUILDINGS.—

''(i) IN GENERAL.—With respect to energy-efficient measures placed in service as part of a certified retrofit plan in a commercial building or multifamily building on or eligible for the National Register of Historic Places, the respective dollar amounts set forth in the general scale under subparagraph (A) shall—

''(I) each be increased by 20 percent, for the purposes of calculating any applicable design deduction and realized deduction, and

''(II) not exceed the total cost to develop and implement such certified retrofit plan.

''(ii) EXCEPTION.—If the amount described in clause (i)(II) is taken as a design deduction, then no realized deduction shall be allowed.

''(c) CALCULATION OF ENERGY SAVINGS.—

''(1) IN GENERAL.—For purposes of the design deduction and the realized deduction, source energy savings shall be calculated with reference to a baseline of the annual source energy consumption of the commercial or multifamily building before energy-efficient measures were placed in service.

''(2) BASELINE BENCHMARK.—The baseline under paragraph (1) shall be determined using a building energy performance benchmarking tool designated by the Administrator of the Environmental Protection Agency, and based upon 1 year of source energy consumption data prior to the date upon which the energy-efficient measures are placed in service.

''(3) DESIGN AND REALIZED SOURCE ENERGY SAVINGS.—

''(A) IN GENERAL.—In certifying a retrofit plan as a certified retrofit plan, a licensed engineer or architect shall calculate source energy savings by utilizing the baseline benchmark defined in paragraph (2) and determining percent improvements from such baseline.

''(B) DESIGN DEDUCTION.—For purposes of claiming a design deduction, the regulations issued under subsection (f)(1) shall prescribe the standards and process for a licensed engineer or architect to calculate and certify source energy savings projected from the design of a certified retrofit plan as of the date energy-efficient measures are placed in service.

''(C) REALIZED DEDUCTION.—For purposes of claiming a realized deduction, a licensed engineer or architect shall calculate and certify source energy savings realized by a certified retrofit plan 2 years after a design deduction is allowed by utilizing energy consumption data after energy-efficient measures are placed in service, and adjusting for climate, building occupancy hours, density, or other factors deemed appropriate in the benchmarking tool designated under paragraph (2).

''(d) CERTIFIED RETROFIT PLAN AND OTHER DEFINITIONS.—For purposes of this section—

''(1) CERTIFIED RETROFIT PLAN.—The term 'certified retrofit plan' means a plan that—

''(A) is designed to reduce the annual source energy costs of a commercial building, or a multifamily building, through the installation of energy-efficient measures,

''(B) is certified under penalty of perjury by a licensed engineer or architect, who is not a direct employee of the owner of the commercial building or multifamily building that is the subject of the plan, and is licensed in the State in which such building is located,

''(C) describes the square footage of retrofit floor area covered by such a plan,

''(D) specifies that it is designed to achieve a final source energy usage intensity after energy-efficient measures are placed in service in a commercial building or a multifamily building that does not exceed on a square foot basis the average level of energy usage intensity of other similar buildings, as described in paragraph (2),

''(E) requires that after the energy-efficient measures are placed in service, the commercial building or multifamily building meets the applicable State and local building code requirements for the area in which such building is located,

''(F) satisfies the regulations prescribed under subsection (f), and

''(G) is submitted to the Secretary of Energy after energy-efficient measures are placed in service, for the purpose of informing the report to Congress required by subsection (l).

''(2) AVERAGE LEVEL OF ENERGY USAGE INTENSITY.—

''(A) IN GENERAL.—The maximum average level of energy usage intensity under paragraph (1)(D) shall not exceed 300,000 British thermal units per square foot.

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall develop distinct standards for categories and subcategories of buildings with respect to maximum average level of energy usage intensity based on the best available information used by the ENERGY STAR program.

''(ii) REVIEW.—The standards developed pursuant to clause (i) shall be reviewed and updated by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, not later than every 3 years.

''(3) COMMERCIAL BUILDING.—

''(A) IN GENERAL.—The term 'commercial building' means a building located in the United States—

''(i) that is in existence and occupied on the date of the enactment of this section,

''(ii) for which a certificate of occupancy has been issued at least 10 years before energy efficiency measures are placed in service, and

''(iii) with a primary use or purpose other than as residential housing.

''(B) SHOPPING CENTERS.—In the case of a retail shopping center, the term 'commercial building' shall include an area within such building that is—

''(i) 50,000 square feet or larger that is covered by a separate utility grade meter to record energy consumption in such area, and

''(ii) under the day-to-day management and operation of—

''(I) the owner of such building as common space areas, or

''(II) a retail tenant, lessee, or other occupant.

''(4) ENERGY-EFFICIENT MEASURES.—The term 'energy-efficient measures' means a measure, or combination of measures, placed in service through a certified retrofit plan—

''(A) on or in a commercial building or multifamily building,

''(B) as part of—

''(i) the lighting systems,

''(ii) the heating, cooling, ventilation, refrigeration, or hot water systems,

''(iii) building transportation systems, such as elevators and escalators,

''(iv) the building envelope, which may include an energy-efficient cool roof,

''(v) a continuous commissioning contract under the supervision of a licensed engineer or architect, or

''(vi) building operations or monitoring systems, including utility-grade meters and submeters, and

''(C) including equipment, materials, and systems within subparagraph (B) with respect to which depreciation (or amortization in lieu of depreciation) is allowed.

''(5) ENERGY SAVINGS.—The term 'energy savings' means source energy usage intensity reduced on a per square foot basis

through design and implementation of a certified retrofit plan.

''(6) MULTIFAMILY BUILDING.—The term 'multifamily building'—

''(A) means—

''(i) a structure of 5 or more dwelling units located in the United States—

''(I) that is in existence and occupied on the date of the enactment of this section,

''(II) for which a certificate of occupancy has been issued at least 10 years before energy efficiency measures are placed in service, and

''(III) with a primary use as residential housing, and

''(B) includes such buildings owned and operated as a condominium, cooperative, or other common interest community.

''(7) SOURCE ENERGY.—The term 'source energy' means the total amount of raw fuel that is required to operate a commercial building or multifamily building, and accounts for losses that are incurred in the generation, storage, transport, and delivery of fuel to such a building.

''(e) TIMING OF CLAIMING DEDUCTIONS.—Deductions allowed under this section may be claimed as follows:

''(1) DESIGN DEDUCTION.—In the case of a design deduction, in the taxable year that energy efficiency measures are placed in service.

''(2) REALIZED DEDUCTION.—In the case of a realized deduction, in the second taxable year following the taxable year described in paragraph (1).

''(f) REGULATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, and after notice and opportunity for public comment, the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall prescribe regulations—

''(A) for the manner and method for a licensed engineer or architect to certify retrofit plans, model projected energy savings, and calculate realized energy savings, and

''(B) notwithstanding subsection (b)(2)(C), to provide, as appropriate, for a recapture of the deductions allowed under this section if a retrofit plan is not fully implemented, or a retrofit plan and energy savings are not certified or verified in accordance with regulations prescribed under this subsection.

''(2) RELIANCE ON ESTABLISHED PROTOCOLS, ETC.—To the maximum extent practicable and available, such regulations shall rely upon established protocols and documents used in the ENERGY STAR program, and industry best practices and existing guidelines, such as the Building Energy Modeling Guidelines of the Commercial Energy Services Network (COMNET).

''(3) ALLOWANCE OF DEDUCTIONS PENDING ISSUANCE OF REGULATIONS.—Pending issuance of the regulations under paragraph (1), the owner of a commercial building or a multifamily building shall be allowed to claim or allocate a deduction allowed under this section.

''(g) NOTICE TO OWNER.—Each certification of a retrofit plan and calculation of energy savings required under this section shall include an explanation to the owner of a commercial building or a multifamily building regarding the energy-efficient measures placed in service and their projected and realized annual energy costs.

''(h) ALLOCATION OF DEDUCTION.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall promulgate a regulation to allow the owner of a commercial building or a multifamily building, including a government, tribal, or non-profit owner, to allocate any deduction allowed under this section, or a portion thereof, to the person primarily responsible for funding, financing, designing, leasing, operating, or placing in service energy-efficient measures. Such person shall be treated as the taxpayer for purposes of this section and shall include a building tenant, financier, architect, professional engineer, licensed contractor, energy services company, or other building professional.

''(2) FORM OF ALLOCATION.—An allocation made under this paragraph shall be in writing and in a form that meets the form of allocation requirements in Notice 2008–40 of the Internal Revenue Service.

''(3) PROVISION OF ALLOCATION.—Not later than 30 days after receipt of a written request from a person eligible to receive an allocation under this paragraph, the owner of a building that makes an allocation under this paragraph shall provide the form of allocation (as described in paragraph (2)) to such person.

''(4) ALLOCATION FROM PUBLIC OWNER OF BUILDING.—In the case of a commercial building or a multifamily building that is owned by a Federal, State, or local government or a subdivision thereof, Notice 2006–52 of the Internal Revenue Service, as amplified by Notice 2008–40, shall apply to any allocation.

''(i) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any energy-efficient measures placed in service under a certified retrofit plan other than in a qualified low-income building (within the meaning of section 42), the basis of such measures shall be reduced by the amount of the deduction so allowed or so allocated.

''(j) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, this section shall be applied at the partner or shareholder level, subject to such reporting requirements as are determined appropriate by the Secretary.

''(k) TAX INCENTIVES NOT AVAILABLE.—

''(1) ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.—Energy-efficient measures for which a deduction is allowed under this section shall not be eligible for a deduction under section 179D.

''(2) NEW ENERGY EFFICIENT HOME CREDIT.—No deduction shall be allowed under this section with respect to any building or dwelling unit with respect to which a credit under section 45L was allowed.

''(l) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Biennially, beginning with the first year after the enactment of this section, the Secretary, in conjunction with the Secretary of Energy, shall submit a report to Congress that—

''(A) explains the energy saved, the energy-efficient measures implemented, the realization of energy savings projected, and records the amounts and types of deductions allowed under this section,

''(B) explains the energy saved, the energy efficient measures implemented, and records the amount of deductions allowed under section 179D, based on the data collected pursuant to subsection (i) of such section,

''(C) determines the number of jobs created as a result of the deduction allowed under this section,

''(D) determines how the use of any deduction allowed under this section may be improved, based on the information provided to the Secretary of Energy,

''(E) provides aggregated data with respect to the information described in subparagraphs (A) through (D), and

''(F) provides statutory recommendations to Congress that would reduce energy consumption in new and existing commercial buildings located in the United States, including recommendations on providing energy-efficient tax incentives for subsections of buildings that operate with specific utility-grade metering.

''(2) PROTECTION OF TAXPAYER INFORMATION.—The Secretary and the Secretary of Energy shall share information on deductions allowed under this section and related reports submitted, as requested by each agency to fulfill its obligations under this section, with such redactions as deemed necessary to protect the personally identifiable financial information of a taxpayer.

''(3) INCORPORATION INTO DEPARTMENT OF ENERGY PROGRAMS.—The Secretary of Energy shall, to the maximum extent practicable, incorporate conclusions of the report under this subsection into current Department of Energy building performance and energy efficiency data collection and other reporting programs.''.

(b) EFFECT ON DEPRECIATION ON EARNINGS AND PROFITS.—Subparagraph (B) of section 312(k)(3) of the Internal Revenue Code of 1986, as amended by this Act, is amended—

(1) by striking ''or 179E'' both places it appears in clause (i) and inserting ''179E, or 179F'',

(2) by striking ''OR 179E'' in the heading and inserting ''179E, OR 179F'', and

(3) by inserting ''or 179F'' after ''section 179D'' in clause (ii)(I).

(c) CONFORMING AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 179E the following new item:

''Sec. 179F. Deduction for retrofits of existing commercial and multifamily buildings.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

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**SA 3133.** Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 300, line 18, insert '', awarded in a manner that provides a preference to students who are veterans'' before the semicolon at the end.

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**SA 3134.** Mr. COONS (for himself, Mr. REED, Mrs. SHAHEEN, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, lines 3 and 4, strike ''not less than''.

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**SA 3135.** Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**Subtitle I—Purchase Power Drought Fund**

**SEC. 3801. ESTABLISHMENT OF PURCHASE POWER DROUGHT FUND.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Southwestern Power Administration.

(2) FUND.—The term ''Fund'' means the Purchase Power Drought Fund established under subsection (c).

(3) PURCHASE POWER DROUGHT ADDER.—The term ''purchase power drought adder'' means the special rate component assessed under subsection (b)(1).

(b) SPECIAL RATE COMPONENT.—

(1) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, the Administrator may assess a special rate component to be known as a ''purchase power drought adder'' independent of and in addition to other existing rate components.

(2) COLLECTION OF AMOUNTS.—The Administrator shall—

(A) collect amounts from the purchase power drought adder in advance of need; and

(B) deposit those amounts in the Fund for use in accordance with subsection (c)(1).

(3) LIMITATION.—The purchase power drought adder shall not be used to offset or displace other charges made in the normal course of the rate setting process of the Southwestern Power Administration.

(c) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall establish in the Treasury of the United States a separate fund to be known as the ''Purchase Power Drought Fund'', from which the Administrator may use amounts during extended below-average water conditions—

(A) for necessary expenses of the Southwestern Power Administration for purchase power and wheeling; and

(B) to minimize the use, during those conditions, of the continuing fund established by the matter under the heading ''OFFICE OF THE SECRETARY'' in title I of the Interior Department Appropriation Act, 1950 (16 U.S.C. 825s–1).

(2) DEPOSITS.—The Administrator shall deposit in the Fund the amounts collected from the assessment of the purchase power drought adder under subsection (b) and such amounts shall be available to the Administrator without further appropriation or fiscal year limitation.

(3) LIMITATION.—The Administrator shall expend from the Fund only those amounts collected and deposited in advance.

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**SA 3136.** Mr. MENENDEZ (for himself, Ms. COLLINS, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. SPECIAL RULE FOR CERTAIN FACILITIES.**

(a) IN GENERAL.—Section 45(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULE FOR CERTAIN QUALIFIED FACILITIES.—

''(A) IN GENERAL.—In the case of electricity produced at a qualified facility described in paragraph (3) or (7) of subsection (d) and placed in service before the date of the enactment of this paragraph, a taxpayer may elect to apply subsection (a)(2)(A)(ii) by substituting 'the period beginning after December 31, 2016, and ending before January 1, 2018' for 'the 10-year period beginning on the date the facility was originally placed in service'.

''(B) LIMITATION.—No credit shall be allowed under subsection (a) to any taxpayer making an election under this paragraph with respect to electricity produced and sold at a facility during any period which, when aggregated with all other periods for which a credit is allowed under this section with respect to electricity produced and sold at such facility, is in excess of 10 years.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2017.

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**SA 3137.** Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 302, strike lines 6 through 9 and insert the following:

(2) SECRETARIAL ORDER NOT AFFECTED.—This subtitle shall not apply to any mineral described in Secretarial Order No. 3324, issued by the Secretary of the Interior on December 3, 2012, in any area to which the order applies.

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**SA 3138.** Mrs. SHAHEEN (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VI—MISCELLANEOUS**

**SEC. 6001. NATIONAL RECREATIONAL PASSES FOR DISABLED VETERANS.**

Section 805(b) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(b)) is amended—

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

''(2) DISABILITY DISCOUNT.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge and for the lifetime of the passholder, to the following:

''(A) Any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 7(20)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(B)(i)), if the citizen or person provides adequate proof of the disability and such citizenship or residency.

''(B) Any veteran with a service-connected disability, as defined in section 101 of title 38, United States Code.''; and

(2) by adding at the end the following:

''(3) ADJUSTMENT OF ENTRANCE FEES.—The Secretary shall adjust entrance fees applicable to individuals that are not holders of a pass made available under paragraph (2)(B) in a manner so as to maintain total receipts.''.

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**SA 3139.** Mr. COATS (for himself, Mr. MANCHIN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IV, add the following:

**SEC. 44____. ENSURING SCIENTIFIC TRANSPARENCY IN THE DEVELOPMENT OF ENVIRONMENTAL REGULATIONS.**

(a) PUBLICATION OF SCIENTIFIC PRODUCTS FOR RULES AND RELATED ENVIRONMENTAL IMPACT STATEMENTS, ENVIRONMENTAL ASSESSMENTS, AND ECONOMIC ASSESSMENTS.—

(1) IN GENERAL.—Title V of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1251 et seq.) is amended by adding at the end the following:

**''SEC. 530. PUBLICATION OF SCIENTIFIC PRODUCTS FOR RULES AND RELATED ENVIRONMENTAL IMPACT STATEMENTS, ENVIRONMENTAL ASSESSMENTS, AND ECONOMIC ASSESSMENTS.**

''(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) BACKGROUND INFORMATION.—The term 'background information' means—

''(A) a biographical document, including a curriculum vitae or resume, that details the exhaustive, professional work history, education, and any professional memberships of a person; and

''(B) the amount and date of any Federal grants or contracts received by that person.

''(3) ECONOMIC ASSESSMENT.—The term 'economic assessment' means any assessment prepared by a Federal agency in accordance with section 6(a)(3)(C) of Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review).

''(4) ENVIRONMENTAL ASSESSMENT.—The term 'environmental assessment' has the meaning given the term in section 1508.9 of title 40, Code of Federal Regulations.

''(5) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means any environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(6) PUBLICLY AVAILABLE.—The term 'publicly available' means published online on—

''(A) a publicly accessible website that allows the submission of comments on proposed regulations and related documents published by the Federal Government;

''(B) a publicly accessible website of the Secretary; and

''(C) the website of the Federal Register.

''(7) RAW DATA.—The term 'raw data' means any computational process or quantitative or qualitative data processed from a source that is relied upon in a scientific product to support a finding or observation.

''(8) RELIED UPON.—The term 'relied upon' means explicitly cited or referenced in a rule, environmental impact statement, environmental assessment, or economic assessment.

''(9) RULE.—The term 'rule' has the meaning given the term in section 551 of title 5, United States Code.

''(10) SCIENTIFIC METHOD.—The term 'scientific method' means a method of research under which—

''(A) a problem is identified;

''(B) relevant data are gathered;

''(C) a hypothesis is formulated from the data; and

''(D) the hypothesis is empirically tested in a manner specified by documented protocols and procedures.

''(11) SCIENTIFIC PRODUCT.—The term 'scientific product' means any product that—

''(A) employs the scientific method for inventorying, monitoring, experimenting, studying, researching, and modeling purposes;

''(B) is relied upon by the Secretary in development of any rule, environmental impact statement, environmental assessment, or economic assessment; and

''(C) is not protected under copyright laws.

''(b) REQUIREMENTS.—The Secretary shall—

''(1) make publicly available on the date of the publication of any draft, final, emergency, or supplemental rule under this Act,

or any related environmental impact statement, environmental assessment, or economic assessment, each scientific product the Secretary relied upon in developing the rule, environmental impact statement, environmental assessment, or economic assessment; and

''(2) for those scientific products receiving Federal funds, also make publicly available—

''(A) the raw data used for the federally funded scientific product; and

''(B) background information of the authors of the scientific study.

''(c) COMPLIANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), failure to comply with the publication requirements of subsection (b)—

''(A) with respect to draft or supplemental rules, environmental impact statements, environmental assessments, or economic assessments shall extend by 1 day the notice and comment period for each day of noncompliance; or

''(B) with respect to final or emergency rules, shall delay the effective date of the final rule by 60 days plus an additional day for each day of noncompliance.

''(2) WITHDRAWAL.—If the Secretary fails to comply with the publication requirements of subsection (b) for more than 180 days after the date of publication of any rule, or any related environmental impact statement, environmental assessment, or economic assessment, under this Act, the Secretary shall withdraw the rule, environmental impact statement, environmental assessment, or economic assessment.''.

(2) CONFORMING AMENDMENT.—The table of contents for the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) is amended by inserting after the item relating to section 529 the following:

''Sec. 530. Publication of scientific products for rules and related environmental impact statements, environmental assessments, and economic assessments.''.

(b) COMPLIANCE WITH OTHER FEDERAL LAWS.—Section 702 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1292) is amended—

(1) by redesignating subsections (c) and (d) as subsection (e) and (f), respectively; and

(2) by inserting after subsection (b) the following:

''(c) COMPLIANCE WITH OTHER FEDERAL LAWS.—Nothing in this Act authorizes the Secretary to take any action by rule, interpretive rule, policy, regulation, notice, or order that duplicates any action taken under an Act referred to in subsection (a) (including regulations and rules).

''(d) DEFERENCE TO IMPLEMENTING AGENCIES AND STATE AUTHORITIES.—In carrying out this Act (including rules, interpretive rules, policies, regulations, notices, or orders), the Secretary—

''(1) shall defer to the determinations of an agency or State authority implementing an Act referred to in subsection (a) with respect to any agency action under the jurisdiction of the agency or State authority, as applicable; and

''(2) shall not make any determination regarding any agency action subject to an Act referred to in subsection (a).''.

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**SA 3140.** Ms. COLLINS (for herself, Ms. KLOBUCHAR, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part IV of subtitle A of title III, add the following:

**SEC. 30____. POLICIES RELATING TO BIOMASS ENERGY.**

To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall jointly—

(1) ensure that Federal policy relating to forest bioenergy—

(A) is consistent across all Federal departments and agencies; and

(B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and

(2) establish clear and simple policies for the use of biomass as an energy solution, including policies that—

(A) reflect the carbon-neutrality of forest bioenergy;

(B) recognize biomass as a renewable energy source;

(C) encourage private investment throughout the biomass supply chain, including in—

(i) working forests;

(ii) harvesting operations;

(iii) forest improvement operations;

(iv) bioenergy;

(v) wood products; and

(vi) paper manufacturing;

(D) encourage forest management to improve forest health; and

(E) recognize State initiatives to use biomass.

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**SA 3141.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**Subtitle I—Wind Energy**

**SEC. 3801. INTERAGENCY RAPID RESPONSE TEAM FOR WIND ENERGY.**

(a) ESTABLISHMENT.—There is established an interagency rapid response team, to be known as the ''Interagency Rapid Response Team for Wind Energy'' (referred to in this section as the ''Team''), to expedite and improve the permitting process for wind generation on Federal land and non-Federal land.

(b) MEMBERSHIP.—The Team shall be comprised of representatives from—

(1) the Department;

(2) the Federal Energy Regulatory Commission;

(3) the Department of the Interior;

(4) the Department of Defense;

(5) the Department of Agriculture;

(6) the Department of Commerce;

(7) the Environmental Protection Agency;

(8) the Advisory Council on Historic Preservation;

(9) the Federal Aviation Administration; and

(10) the Council on Environmental Quality.

(c) DUTIES.—The Team shall—

(1) establish clear timelines for the review of projects;

(2) facilitate coordination and unified environmental documentation among wind project applicants, Federal agencies, States, and Indian tribes involved in the siting and permitting processes; and

(3) regularly notify all participating members of the Team involved in any specific permit of—

(A) any outstanding agency action that is required with respect to the permit; and

(B) any approval or required comment that has exceeded statutory or agency timelines for completion, including an identification of any Federal agency, department, or field office that has not met the applicable timeline.

(d) POINT OF CONTACT.—The Federal Energy Regulatory Commission shall provide a unified point of contact for—

(1) resolving interagency or intraagency issues or delays with respect to wind permitting; and

(2) receiving and resolving complaints from parties with outstanding or in-process applications relating to wind permitting.

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**SA 3142.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, strike lines 21 through 25 and insert the following:

Defense;

''(10) to identify and support opportunities to pair hydrokinetic generation with existing hydroelectric dam facilities operated by the Corps of Engineers; and

''(11) to support in-water technology development with international partners using existing cooperative procedures (including memoranda of understanding)—

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## NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES E. GRASSLEY, intend to object to proceeding to S. 2415, a bill to implement integrity measures to strengthen the EB–5 Regional Center Program in order to promote and reform foreign capital investment and job creation in American communities; dated January 28, 2016.

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## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 28, 2016, at 9:30 a.m.

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

### COMMITTEE ON FINANCE

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on January 28, 2016, at 9:30 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Helping Americans Prepared for Retirement: Increasing Access, Participation and Coverage in Retirement Savings Plans.''

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

### COMMITTEE ON FOREIGN RELATIONS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 28, 2016, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on January 28, 2016, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Generic Drug User Fee Amendments: Accelerating Patient Access to Generic Drugs.''

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

COMMITTEE ON THE JUDICIARY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 28, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on January 28, 2016, at 10 a.m. in room SR–428A of the Russell Senate Office Building to conduct a hearing entitled ''Reauthorization of the SBIR/STTR Programs—The Importance of Small Business Innovation to National and Economic Security.''

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on January 28, 2016, at 10 a.m., to conduct a hearing entitled ''The Department of Health and Human Services' Placement of Migrant Children: Vulnerabilities to Human Trafficking.''

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 28, 2016, at 2:30 p.m.

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

## PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that Molly Baier, a fellow in my office, be granted privileges of the floor for the remainder of the Congress.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar Nos. 449 through 457 and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc and the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Anthony J. Rock

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. James H. Dienst

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. John J. Degoes
Col. Mark A. Koeniger

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. James R. Barkley
Brig. Gen. Kimberly A. Crider
Brig. Gen. David B. O'Brien
Brig. Gen. Eric S. Overturf
Brig. Gen. Walter J. Sams
Brig. Gen. John P. Stokes
Brig. Gen. Curtis L. Williams
Brig. Gen. Edward P. Yarish

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Col. Paige P. Hunter

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Col. Thomas J. Owens, II

IN THE ARMY

The following named officer for appointment the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Robert G. Michnowicz

The following named officer for appointment the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Jeffrey C. Coggin

The following named officer for appointment the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Kevin C. Wulfhorst

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1010 AIR FORCE nominations (2) beginning PETER L. REYNOLDS, and ending CHRISTOPHER P. CALDER, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1011 AIR FORCE nomination of Jeremy W. Cannon, which was received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1012 AIR FORCE nomination of Ted W. Lieu, which was received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1013 AIR FORCE nominations (4) beginning JODENE M. ALEXANDER, and ending DEBORAH J. ROBINSON, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1014 AIR FORCE nominations (5) beginning JOHN LOUIS ARENDALE, II, and ending MINH-TRI BA TRINH, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1015 AIR FORCE nominations (13) beginning BONNIE JOY BOSLER, and ending LIANE L. WEINBERGER, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1016 AIR FORCE nominations (14) beginning ARDEN B. ANDERSEN, and ending MARK A. ZELKOVIC, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1017 AIR FORCE nomination of Todd Andrew Luce, which was received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1018 AIR FORCE nominations (2) beginning LEBANE S. HALL, and ending DAVID F. PENDLETON, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1019 AIR FORCE nominations (3) beginning WILLIAM CHARLES DUNLAP, and ending ROBERT K. MCGHEE, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1020 AIR FORCE nominations (9) beginning DAWN D. BELLACK, and ending ANDREW J. TURNER, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1021 AIR FORCE nominations (109) beginning KATHERINE E. AASEN, and ending CHRISTOPHER M. ZIDEK, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1022 AIR FORCE nominations (6) beginning BRYAN M. BARROQUEIRO, and ending JOSEPH MANNINO, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1023 AIR FORCE nomination of Bryan M. Davis, which was received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1024 AIR FORCE nomination of Todd E. Combs, which was received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1067 AIR FORCE nominations (57) beginning BRETT C. ANDERSON, and ending SHAHID A. ZAIDI, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2016.

PN1068 AIR FORCE nominations (79) beginning STEPHEN C. ARNASON, and ending JOHN R. YANCEY, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2016.

PN1069 AIR FORCE nominations (162) beginning ERIC E. ABBOTT, and ending PHILIP A. WIXOM, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2016.

PN1070 AIR FORCE nominations (232) beginning JANE A. ALSTON, and ending TIMOTHY J. ZIELICKE, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2016.

IN THE ARMY

PN1025 ARMY nominations (883) beginning DAVID H. AAMIDOR, and ending D012522, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1026 ARMY nominations (461) beginning YONATAN S. ABEBIE, and ending D012158, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1027 ARMY nomination of Peter J. Koch, which was received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1028 ARMY nominations (3) beginning DEREK P. JONES, and ending WILLIAM J. RICE, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1029 ARMY nominations (382) beginning MICHAEL S. ABBOTT, and ending D011609, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1030 ARMY nomination of Denny L. Winningham, which was received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1031 ARMY nomination of John C. Baskerville, which was received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1071 ARMY nomination of Mark L. Coble, which was received by the Senate and appeared in the Congressional Record of January 11, 2016.

PN1072 ARMY nominations (10) beginning CRAIG A. HOLAN, and ending ERIC E. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2016.

PN1074 ARMY nomination of Steven R. Berger, which was received by the Senate and appeared in the Congressional Record of January 11, 2016.

PN1075 ARMY nomination of Richard M. Hawkins, which was received by the Senate and appeared in the Congressional Record of January 11, 2016.

PN1076 ARMY nomination of Martin S. Kendrick, which was received by the Senate and appeared in the Congressional Record of January 11, 2016.

IN THE MARINE CORPS

PN1032 MARINE CORPS nominations (3) beginning WILLIAM T. HENNESSY, and ending JAMES R. LENARD, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2015.

PN1080 MARINE CORPS nominations (699) beginning JEREMY D. ADAMS, and ending ANGELA S. ZUNIC, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2016.

PN1081 MARINE CORPS nominations (6) beginning GEORGE L. ROBERTS, and ending STEPHEN A. RITCHIE, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2016.

IN THE NAVY

PN927 NAVY nominations (2) beginning James E. O'Neil, III, and ending Keith M. Roxo, which nominations were received by the Senate and appeared in the Congressional Record of October 28, 2015.

PN1078 NAVY nominations (2) beginning DENISE M. VEYVODA, and ending ROBERT G. WEST, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2016.

PN1079 NAVY nomination of James A. Trotter, which was received by the Senate and appeared in the Congressional Record of January 11, 2016.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## CONGRATULATING THE UNIVERSITY OF ALABAMA CRIMSON TIDE FOR WINNING THE 2016 COLLEGE FOOTBALL PLAYOFF NATIONAL CHAMPIONSHIP

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 350, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 350) congratulating the University of Alabama Crimson Tide for winning the 2016 College Football Playoff National Championship.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent 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. 350) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## NATIONAL SCHOOL CHOICE WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 351, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 351) designating the week of January 24 through January 30, 2016, as ''National School Choice Week.''

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

Mr. SCOTT. Mr. President, this week is an opportunity to highlight the importance of parental choice in education, and the success that children find when they are able to choose an educational pathway that suits their individual needs. Be it through public, charter, private, or home schools, as well as other forms of educational services that may be tailored to the educational needs of our kids, we should continue our work to provide students with a viable and proven route to a better education.

In particular, I want to recognize my home State of South Carolina for our continuous work in expanding school choice initiatives. Since 2013, when South Carolina's general assembly enacted the Educational Credit for Exceptional Needs Children, which helps children with disabilities gain an education personalized to their own unique needs, South Carolina has been on the forefront of the school choice movement. That is clearly on display this week, as South Carolina's National School Choice Rally will feature its largest rates of participation yet, with over 3,000 parents, advocates, and students lending their voice and support to school choice.

On the Federal level, I have submitted legislation to free up access to educational resources for America's least fortunate students. I have sponsored legislation that would make IDEA funds portable and create a school choice pilot program for military families, as well as bipartisan legislation with Senators FEINSTEIN, JOHNSON, and BOOKER to reauthorize and improve the DC Opportunity Scholarship Program, the Nation's only federally supported school choice program.

I believe we must continue this work to promote parental choice. Reforms to our educational system should empower parents and students, not bureaucrats, to choose the educational option that best meets their unique needs. Because when parents have better choices, their kids have a better chance.

Mr. MCCONNELL. Mr. President, I ask unanimous consent 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. 351) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## COMMEMORATING THE 30TH ANNIVERSARY OF THE LOSS OF THE SPACE SHUTTLE ''CHALLENGER'' AND OF TEACHER IN SPACE S. CHRISTA McAULIFFE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 352, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 352) commemorating the 30th anniversary of the loss of the Space Shuttle Challenger and of Teacher in Space S. Christa McAuliffe of Concord, New Hampshire.

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

Mr. McCONNELL. I ask unanimous consent 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. 352) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## ORDERS FOR MONDAY, FEBRUARY 1, 2016

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, February 1; 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; finally, that following leader remarks, the Senate then resume consideration of S. 2012.

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

## ADJOURNMENT UNTIL MONDAY, FEBRUARY 1, 2016, AT 3 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Monday, February 1, 2016, at 3 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

### THE JUDICIARY

JENNIFER KLEMETSRUD PUHL, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE KERMIT EDWARD BYE, RETIRED.

TERRENCE J. CAMPBELL, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE KATHRYN H. VRATIL, RETIRED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. BROOK J. LEONARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. MICHAEL A. GUETLEIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. STEVEN L. BASHAM
BRIG. GEN. CARL A. BUHLER
BRIG. GEN. JAMES C. DAWKINS, JR.
BRIG. GEN. DAWN M. DUNLOP
BRIG. GEN. ALBERT M. ELTON II
BRIG. GEN. MICHAEL A. FANTINI
BRIG. GEN. CEDRIC D. GEORGE
BRIG. GEN. PATRICK C. HIGBY
BRIG. GEN. MARK K. JOHNSON
BRIG. GEN. BRIAN T. KELLY
BRIG. GEN. BRIAN M. KILLOUGH
BRIG. GEN. SCOTT A. KINDSVATER
BRIG. GEN. DONALD E. KIRKLAND
BRIG. GEN. ROBERT D. LABRUTTA
BRIG. GEN. RUSSELL A. MACK
BRIG. GEN. CHARLES L. MOORE, JR.
BRIG. GEN. PAUL D. NELSON
BRIG. GEN. MARY F. O'BRIEN
BRIG. GEN. JOHN T. QUINTAS
BRIG. GEN. DUKE Z. RICHARDSON
BRIG. GEN. ROBERT J. SKINNER
BRIG. GEN. BRADLEY D. SPACY
BRIG. GEN. FERDINAND B. STOSS
BRIG. GEN. JEFFREY B. TALIAFERRO
BRIG. GEN. CHRISTOPHER P. WEGGEMAN
BRIG. GEN. STEPHEN N. WHITING
BRIG. GEN. JOHN M. WOOD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

KHURRAM A. KHAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

BRUCE E. STERNKE
JEFFREY S. WOOLFORD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

MARY E. CLARK
JUSTIN C. COHEN
SUSAN M. DAOUST
LAUREN M. HEDENSCHOUG
SCOTT A. HEWITT
SARAH L. JELLIFFE
JAMES A. JERNIGAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

*To be colonel*

MARGARET C. MARTIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant colonel*

GREGORY J. MALONE
GREGORY K. RICHERT

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

CHRISTOPHER W. WENDLAND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

BETHANY C. ARAGON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

MICHAEL J. MULCAHY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

KELLY K. GREENHAW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

BRIAN T. WATKINS

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

GEORGE L. BARTON
MICHELLE M. BRYANT
JAMES F. WAINSCOTT
RICHARD A. WHOLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

DEREK G. BEAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY UNDER TITLE 10, U.S.C., SECTIONS 4333(B) AND 4336(A):

*To be colonel*

NICHOLAS H. GIST

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

SUSAN M. CEBULA
YOUNGMI CHO
WILLIE R. FAISON
CHARLES W. HIPP
KYUNG S. KIM
CATHLEEN A. LABATE
ANNE M. MCCARTNEY
GREGORY S. MCDOUGAL
RONALD E. PRENZEL
RYAN L. SNYDER
MARK A. VANCE
LISA N. YARBROUGH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

MATTHEW J. AIESI
JASON W. ALLEN
SHAWN I. ATKINS
JUSTIN C. BARNES
ALEX C. BARNETT
WILLIAM C. BIGGERSTAFF
KEVIN M. BOHLKE
JULIE L. BORCHERS
STACEE B. CAIN
DAVID T. CALLAN
CAITLIN CHIARAMONTE
PETER E. CLEEK
HEATHER M. COLACICCO
GEORGE C. COLCLOUGH
RICHARD J. CONNAROE
DANIEL C. CUMMINS
DANIEL M. CURLEY
DARCY J. DRAYTON
DEREK V. EICHHOLZ
RHEANNA J. FELTON
MATTHEW B. FIRING
JAMES M. GARRETT
MICHAEL E. GILBERTSON
SCOTT L. GOBLE
EDDIE M. GONZALEZ
ROBERT K. GOTHERIDGE
AMY M. GRANADOS
JOSIAH T. GRIFFIN
GARRISON D. GROH
KENNETH W. HALL
JAMES D. HAMMOND
RONALD M. HERRMANN
DANIEL D. HILL
BENJAMIN W. HOGAN
ANNE C. HSIEH
JAMES F. INGRAM
ERIC W. IRWIN
GREGORY T. ISHAM
CHARLES H. JACKSON
AARON G. JOHNSON
MARY E. JONES
PAMELA L. JONES
ROBERT J. JUGE
ADAM KAMA
JESSICA M. KETTL
CALI Y. KIM
AARON L. LANCASTER
GEORGE R. LAVINE III
ANTHONY V. LENZE
TRAVIS J. LIEB
LORI E. LINCOLN
DUSTIN J. LUJAN
DYLAN S. MACK
SEAN P. MAHONEY
CHRISTOPHER R. MALIS
RICK B. MATHEW
AMY H. MCCARTHY
KYLE M. MEISNER
JORDAN K. MILLER
JUSTIN P. MOORE
BRIAN P. NICHOLSON
MICHAEL PETRUSIC

TRENTON W. POWELL
PATRICK J. REGAN
TULSI L. ROGERS
JEFFREY L. ROTHSTEIN
ROBERT W. RUNYANS
MICHAEL J. SCALETTY
JON D. SCHOENWETTER
WALTER J. SEPULVADO
THOMAS A. SILBERMAN
KYLE C. SPRAGUE
JOHN J. SULLIVAN
KEVIN T. SUMMERS, JR.
JOHN E. SWORDS
RORY T. THIBAULT
RICHARD THOMAS
SARA M. TRACYRUAZOL
HEATHER L. TREGLE
MICHAEL R. TREGLE, JR.
ERIC A. TRUDELL
DONALD E. WAGNER
JIHAN E. WALKER
TIMOTHY C. WARNER
JUSTIN R. WEGNER
JASON D. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

JOHN S. AITA
MARK I. ANDERSON
MIKE L. ANDERSON
BRYAN L. BACON
JAY B. BAKER
DAVID G. BELL
TIMOTHY J. BIEGA
PATRICK T. BIRCHFIELD
TIMOTHY C. BRAND
THEODORE R. BROWN
ADAM G. BUCHANAN
LEE A. BURNETT
ANDREW P. CAP
KEVIN K. CHUNG
MICHAEL N. CLEMENSHAW
MICHEL A. R. COURTINES
HEATHER M. CURRIER
MINHLUAN N. DOAN
ROGER H. DUDA
SUSAN R. FONDY
ANDREW J. FOSTER
GREGG G. GERASIMON
JENNIFER M. GURNEY
CHARLES G. HAISLIP
MOHAMAD I. HAQUE
JOSHUA S. HAWLEYMOLLOY
ROBERTO HENNESSY
SANDRA L. HERNANDEZ
PATRICK W. HICKEY
JASON M. HILES
LINDA L. HUFFER
MATTHEW R. JEZIOR
CATHERINE A. KIMBALLEAYRS
SOO H. KIMDELIO
MICHAEL V. KRASNOKUTSKY
JOSEPH C. LEE
PETROS G. LEINONEN
KEITH M. LEMMON
JEFFREY A. LEVY
MICHAEL J. LICATA
DEREK R. LINKLATER
PHILIP D. LITTLEFIELD
RICHARD C. A. LIU
PATRICIA A. LOVELESS
JAMES B. LUCAS II
HUY Q. LUU
MATTHEW M. MAYFIELD
JON H. MEYERLE
JEFFREY A. MIKITA
JOEL T. MONCUR
MOHAMMAD NAEEM
VISETH NGAUY
HANG T. NGUYEN
VIET N. NGUYEN
NERIS M. NIEVESROBBINS
JOSEPH J. NOVACK III
MARK S. OCHOA
JASON A. PATES
PATRICK J. POLLOCK
MARCUS C. PONCEDELEON
GORDON PRAIRIE
MICHAEL W. PRICE
LOUIS M. RADNOTHY
MARY L. REED
KYLE N. REMICK
MARK E. REYNOLDS
BRUCE A. RIVERS
CHRISTOPHER J. ROACH
BRIAN D. ROBERTSON
STEVEN J. ROGERS, JR.
PAUL M. RYAN
AARON A. SAGUIL
RUBEN SALINAS, JR.
ELIZABETH M. SAWYER
SHAWNA E. SCULLY
JASON M. SEERY
JOHN H. SHERNER III
MATTHEW W. SHORT
PATRICIA A. SHORT
EUGENE K. SOH
BRYONY W. SOLTIS
MATTHEW A. STUDER
MICHAEL J. TARPEY
FRANK E. VALENTIN
KAREN S. VOGT
DANIEL S. WASHBURN
DANIEL M. WENZELL
JOHN L. WESTHOFF II
DEREK C. WHITAKER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

*To be lieutenant commander*

KIELLY A. ANDREWS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be commander*

JEFFREY C. CHAO

*To be lieutenant commander*

JOSEPH A. MOORE

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 commander*

ERIK J. KJELLGREN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

LUCAS M. CHESLA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

JAIME A. IBARRA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

AARON R. CRAIG
BRIAN R. MILLER
TORRENS G. MILLER
JONATHAN D. PRICE
CHRISTOPHER T. STEINHILBER

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

CURTIS J. SMITH
BRYAN E. STOTTS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

ALLEN L. LEWIS
DAVID STEVENS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

MICHAEL J. MALONE
MICHAEL C. ROGERS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

CONRAD G. ALSTON

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

JAMES C. ROSE

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

DAVID M. SOUSA

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

SHAWN A. HARRIS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

DAVID F. HUNLEY
ARLIE L. MILLER

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JOHN A. YUKICA

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

MICHAEL J. BARRIBALL
DAVID J. CURTIS
MICHAEL S. DEWEY
CHRISTOPHER M. DILPORT
JOHN V. RUSSELL IV

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JAMEEL A. ALI
CHRISTOPHER M. GILMORE
AMBROSIO V. PANTOJA

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

MATRIX W. ELIAS
CHRISTOPHER M. SMITH
NICHOLAS J. TAZZA

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JIMMY W. DARSEY
GERALD E. PIRK, JR.

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

ISAAC RODRIGUEZ
MICHAEL G. SMITH
BRIAN G. WISNESKI

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

KEITH D. BURGESS
KEITH J. LUZBETAK

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

CHRISTOPHER W. BENSON
SHELTON WILLIAMS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

KEVIN L. FREIBURGER
JEREMIAH T. HAMRIC
JASON H. PERRY

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

CHARLES W. DEMLING III
ROCKY D. HUTTON
MICHAEL R. LUKKES
ZOLTER E. MENDOZA
GLEN F. TEDTAOTAO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JEFFREY J. ABRAMAITYS
JENNIFER E. ANTHIS
ANDREW J. AYLWARD
DAVID M. BOLAND
GERALD H. BOYLE
MICHAEL J. BRACEWELL
KAREN F. BRANNEN
DAVID L. BROOKS
MICHELLE R. BUTTERS
JOHN F. BUXTON

MARKHAM B. CAMPAIGNE, JR.
CHARLES D. CAMPBELL
MICHAEL F. CARDOZA
JONATHAN A. HAYNES
JOHN D. HEYE
VALERIE A. JACKSON
AARON P. KEENAN
JOSHUA A. KEISLER
STEPHEN G. KETTELL
KEVIN J. KRONOVETER
OMAR D. LAND
DAWN D. LOVE
GREGG M. LYSKO
BENJAMIN W. MALMANGER
CURTIS A. MASON
CRAIG C. MONROE
AARON B. OCONNELL
MARIA J. PALLOTTA
JOSEPH M. PARKER
TODD J. PEPPE
JOHN PERSANO III
HARRY S. PORTER
THOMAS H. PRESECAN
JAMES M. QUIRK
SEAN J. RIDDELL
CHRISTOPHER J. SAMPLE
SARAH T. SCHAFFER
DAVID D. SCOTT
MARCUS L. STEWART
DANIEL B. TAYLOR
ANNEMARIE E. THERIOT
JAMES R. THOMPSON
TRUETT A. TOOKE
JOHN P. VALENCIA
FREDERIK W. VANWEEZENDONK
ERICH H. WAGNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

RICHARD T. ANDERSON
VICTOR W. ARGOBRIGHT II
DAVID R. BERKE
CAROLYN D. BIRD
JACK G. BOLTON
CHRISTOPHER J. BONIFACE
GILES R. BOYCE
MICHAEL A. BROOKS, JR.
BRIAN T. BRUGGEMAN
KEITH E. BURKEPILE
THOMAS H. CAMPBELL III
VINCENT J. CIUCCOLI
MICHAEL R. COLETTA
MARK S. COPPESS
WARREN J. CURRY
VALERIE C. DANYLUK
CHARLES B. DOCKERY
SIMON M. DORAN
TIMOTHY R. DREMANN
BRIAN P. DUPLESSIS
CURTIS V. EBITZ, JR.
DAVID M. FALLON
SETH W. FOLSOM
FRIDRIK FRIDRIKSSON
ADOLFO GARCIA, JR.
DAVID S. GIBBS
BRIAN L. GILMAN
RYAN G. GOULETTE
WILLIAM C. GRAY
MATTHEW S. GROSZ
JOHN M. HACKEL
MAURA M. HENNIGAN
RANDALL S. HOFFMAN
JAY M. HOLTERMANN
TRAVIS L. HOMIAK
DAVID W. HUDSPETH
LARRY M. JENKINS, JR.
MICHAEL H. JOHNSON
JOSEPH W. JONES
STEPHEN F. KEANE
MATTHEW J. KENT
SEAN C. KILLEEN
STEPHEN J. LIGHTFOOT
CHARLES M. LONG, JR.
MARIA A. MARTE
PETER L. MCARDLE
BRIAN G. MCAVOY
JAMES P. MCDONOUGH III
MICHAEL E. MCWILLIAMS
RICARDO MIAGANY
TIMOTHY P. MILLER
IVAN I. MONCLOVA
JEFFERY M. MORGAN
CHARLES J. MOSES
MATTHEW T. MOWERY
DENISE M. MULL
KIRK D. MULLINS
MICHAEL J. MURCHISON
TILEY R. NUNNINK
CHRISTOPHER H. OLIVER
JOHN C. OSBORNE, JR.
KEITH A. PARRY
TODD R. PEERY
MICHAEL J. PEREZ
JACK D. PERRIN
MATTHEW H. PHARES
MICHAEL B. PROSSER
RANDOLPH G. PUGH
ERIC R. QUEHL
CHRISTIAN M. RANKIN
MARK S. REVOR
BRET H. RITTERBY
JOHN H. ROCHFORD II
GARY D. ROTSCH
WILLIAM R. SAUERLAND, JR.
GEORGE C. SCHREFFLER III
MATTHEW R. SEAY
CHRISTOPHER B. SHAW
BLAIR J. SOKOL
JEFFREY J. STOWER
MICHAEL S. STYSKAL
EDWARD R. SULLIVAN
JEFFREY A. SYMONS
ALISON J. THOMPSON
CHRISTOPHER G. TOLAR
PATRICK M. TUCKER
JEFFREY A. VANDAVEER
SCOTT W. WADLE
DAVID C. WALLIS III
AHMED T. WILLIAMSON
SETH E. YOST

## CONFIRMATIONS

### Executive nominations confirmed by the Senate January 28, 2016:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. ANTHONY J. ROCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. JAMES H. DIENST

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. JOHN J. DEGOES
COL. MARK A. KOENIGER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. JAMES R. BARKLEY
BRIG. GEN. KIMBERLY A. CRIDER
BRIG. GEN. DAVID B. O'BRIEN
BRIG. GEN. ERIC S. OVERTURF
BRIG. GEN. WALTER J. SAMS
BRIG. GEN. JOHN P. STOKES
BRIG. GEN. CURTIS L. WILLIAMS
BRIG. GEN. EDWARD P. YARISH

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COL. PAIGE P. HUNTER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COL. THOMAS J. OWENS II

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. ROBERT G. MICHNOWICZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. JEFFREY C. COGGIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. KEVIN C. WULFHORST

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH PETER L. REYNOLDS AND ENDING WITH CHRISTOPHER P. CALDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

AIR FORCE NOMINATION OF JEREMY W. CANNON, TO BE COLONEL.

AIR FORCE NOMINATION OF TED W. LIEU, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JODENE M. ALEXANDER AND ENDING WITH DEBORAH J. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN LOUIS ARENDALE II AND ENDING WITH MINH–TRI BA TRINH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

AIR FORCE NOMINATIONS BEGINNING WITH BONNIE JOY BOSLER AND ENDING WITH LIANE L. WEINBERGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

AIR FORCE NOMINATIONS BEGINNING WITH ARDEN B. ANDERSEN AND ENDING WITH MARK A. ZELKOVIC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

AIR FORCE NOMINATION OF TODD ANDREW LUCE, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH LEBANE S. HALL AND ENDING WITH DAVID F. PENDLETON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM CHARLES DUNLAP AND ENDING WITH ROBERT K. MCGHEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

AIR FORCE NOMINATIONS BEGINNING WITH DAWN D. BELLACK AND ENDING WITH ANDREW J. TURNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

AIR FORCE NOMINATIONS BEGINNING WITH KATHERINE E. AASEN AND ENDING WITH CHRISTOPHER M. ZIDEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

AIR FORCE NOMINATIONS BEGINNING WITH BRYAN M. BARROQUEIRO AND ENDING WITH JOSEPH MANNINO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

AIR FORCE NOMINATION OF BRYAN M. DAVIS, TO BE MAJOR.

AIR FORCE NOMINATION OF TODD E. COMBS, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH BRETT C. ANDERSON AND ENDING WITH SHAHID A. ZAIDI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2016.

AIR FORCE NOMINATIONS BEGINNING WITH STEPHEN C. ARNASON AND ENDING WITH JOHN R. YANCEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2016.

AIR FORCE NOMINATIONS BEGINNING WITH ERIC E. ABBOTT AND ENDING WITH PHILIP A. WIXOM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2016.

AIR FORCE NOMINATIONS BEGINNING WITH JANE A. ALSTON AND ENDING WITH TIMOTHY J. ZIELICKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2016.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH DAVID H. AAMIDOR AND ENDING WITH D012522, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

ARMY NOMINATIONS BEGINNING WITH YONATAN S. ABEBIE AND ENDING WITH D012158, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

ARMY NOMINATION OF PETER J. KOCH, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH DEREK P. JONES AND ENDING WITH WILLIAM J. RICE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

ARMY NOMINATIONS BEGINNING WITH MICHAEL S. ABBOTT AND ENDING WITH D011609, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

ARMY NOMINATION OF DENNY L. WINNINGHAM, TO BE COLONEL.

ARMY NOMINATION OF JOHN C. BASKERVILLE, TO BE COLONEL.

ARMY NOMINATION OF MARK L. COBLE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH CRAIG A. HOLAN AND ENDING WITH ERIC E. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2016.

ARMY NOMINATION OF STEVEN R. BERGER, TO BE COLONEL.

ARMY NOMINATION OF RICHARD M. HAWKINS, TO BE MAJOR.

ARMY NOMINATION OF MARTIN S. KENDRICK, TO BE LIEUTENANT COLONEL.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH WILLIAM T. HENNESSY AND ENDING WITH JAMES R. LENARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2015.

MARINE CORPS NOMINATIONS BEGINNING WITH JEREMY D. ADAMS AND ENDING WITH ANGELA S. ZUNIC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2016.

MARINE CORPS NOMINATIONS BEGINNING WITH GEORGE L. ROBERTS AND ENDING WITH STEPHEN A. RITCHIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2016.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH JAMES E. O'NEIL III AND ENDING WITH KEITH M. ROXO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 28, 2015.

NAVY NOMINATIONS BEGINNING WITH DENISE M. VEYVODA AND ENDING WITH ROBERT G. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2016.

NAVY NOMINATION OF JAMES A. TROTTER, TO BE LIEUTENANT COMMANDER.