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Senate

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

PRAYER

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

Let us pray.

Precious Lord, always faithful and always true, use our lawmakers today as ambassadors of reconciliation and renewal. Open their minds to the counsels of Your eternal wisdom as You fill them with Your peace. Lord, increase their hunger and thirst for right living and lead them nearer to You. As they seek to be agents of Your peace, help them to honor You both in spirit and deeds. Inspire them to reach decisions based on truth, wisdom, compassion, and fairness for all.

Watch over, O God, and care for the men and women in our military, surrounding them with the shield of Your protection and favor.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mrs. CAPITO). The Democratic leader is recognized.

ZIKA VIRUS

Mr. REID. Madam President, I was encouraged this morning to hear that President Obama is aggressively responding to the Zika virus. Anyone who has heard the news about this terrible mosquito bite over the last several weeks has heard about the spread of Zika. This virus is primarily spread by mosquitoes in Central America, South America, the Caribbean, and the Pacific islands.

Zika has been linked to birth defects in children, as well as other health problems. To date, there have been no confirmed cases of Americans getting Zika from mosquitoes in the continental United States, but we must not lower our guard. Instead, we must take action.

The President has taken action, and I appreciate that very much. That is why last week the entire Senate Democratic caucus sent a letter to President Obama urging quick action responding to the Zika virus. To his credit, that is exactly what President Obama has done. Today the President announced that he is asking Congress for $1.8 billion to combat the outbreak. This funding will, among other things, further research of the virus and a potential vaccine; improve mosquito control methods here at home; create rapid-response teams in the United States; enhance treatment for those who are infected; help deploy prevention and education strategies to key populations, including pregnant women and their partners; support international aid activities in affected areas; and train health care workers in affected countries.

It is critical that we approve the funds now, immediately, and give our government the resources it needs to fight the virus. We also need to make sure our Nation's response to the virus includes increasing access to contraceptives for women in Zika-affected regions—for those who choose to use them.

We in the Congress must follow President Obama's direction and aggressively combat Zika. So I call on my colleagues to support this important funding.

I have been called to the White House tomorrow afternoon at the same time the Republican leader has called a briefing on the Zika virus. I am going to send staff to that meeting. I can't be at the White House and that briefing at the same time, but I will get a thorough, detailed account of what takes place at that briefing. I appreciate Senator MCCONNELL arranging that meeting, and I apologize for not being able to be there.

AFFORDABLE CARE ACT

Mr. REID. Madam President, last week marked the end of an open enrollment for the health exchanges created by the Affordable Care Act. The numbers are in, and once again millions of Americans signed up for quality health care. Normally—it is normal now, and each year it keeps going up—nationally almost 13 million Americans selected their plans through health insurance marketplaces. In Nevada, almost 90,000 people enrolled in Nevada's health exchange. That represents a 20-percent increase over 2015 enrollment numbers.

These numbers are further evidence that the Affordable Care Act—ObamaCare—is working. The law is helping Americans get access to quality health care, many for the first time in their entire lives. That is why it is particularly frustrating to watch Republicans continue banging their heads when it comes to ObamaCare. Last Tuesday—Groundhog Day, fittingly—House Republicans voted for the 63rd time to repeal or undermine the Affordable Care Act. That is 63 times House Republicans have ignored all the evidence that proves the Affordable Care Act is helping their constituents.

It is not just House Republicans; it seems as if every day my friend the Republican leader comes to the floor and rails against ObamaCare. He has led Senate Republicans in voting to repeal or defund the Affordable Care Act 17 different times. Yet more than 10 percent of the Republican leader's own constituents are benefiting from the

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

Affordable Care Act. Madam President, 500,000 Kentucky residents use ObamaCare—half a million people.

Last week an Associated Press article highlighted the fact that Kentucky has seen the largest drop in the percentage of its uninsured. I will read from an AP story:

Kentucky and Arkansas had the largest drops in the percentage of people without health insurance in the country, according to the Gallup-Healthways survey. In 2013, more than 20 percent of Kentuckians did not have health insurance. By the end of 2015, after the State expanded its Medicaid program and created a health-insurance exchange, that figure was down to 7.5 percent.

There it is in black and white. In 2013, 20 percent of Kentuckians didn't have health insurance, and now it is down to 7.5 percent. That is a remarkably strong decrease of the uninsured. If my friend the Republican leader had his way and repealed ObamaCare, all progress in Kentucky would be gone.

Sadly, Kentucky's tea party Governor is following in Senator MCCONNELL's footsteps. Gov. Matt Bevin wants to tear apart his State's health exchange, regardless of the impact on his constituents. I will read again from the AP article:

Bevin, a Republican, has already given the order to dismantle Kynect, Kentucky's state-based exchange. And he plans to repeal Kentucky's Medicaid expansion and replace it with something else that [would] mean fewer people would be eligible and the ones who stay eligible would have to pay a small premium. Bevin needs approval from the federal government to do that. If he does not get it, Bevin has said he would repeal the expansion entirely.

It is time for Republicans to accept the fact that ObamaCare is here to stay. It is not going anyplace. Once and for all, it has moved past repeal. Start making the Affordable Care Act work even better for the American people.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

ZIKA VIRUS

Mr. MCCONNELL. Madam President, I recently asked Secretary Burwell to come to the Senate to brief committee chairs, ranking members, and leaders in both parties on the administration's response to the Zika virus. I appreciate her team working with us to schedule that briefing for tomorrow. Here are the two areas in which we want to get a better understanding at the briefing:

No. 1, what preparations are being made to protect Americans?

No. 2, what are the administration's funding priorities given limited Federal resources?

Concern about the Zika virus is growing in our country, and protecting constituents, especially children, from a communicable disease is a high priority for all of us. I am looking forward to hearing more tomorrow about both the administration's proposed response and its priorities for combatting this disease.

ENERGY POLICY MODERNIZATION BILL

Mr. MCCONNELL. Madam President, the legislation currently before us—the Energy Policy Modernization Act—is the product of a year's worth of constructive and collaborative work. In the Energy Committee, it passed overwhelmingly with the support of both parties. Here on the floor, it has been subject to an open amendment process, with input from both sides. More than 30 amendments from both Democrats and Republicans have already been adopted. The Senator from Alaska recently sought consent to continue that progress by getting several more amendments pending. It is unclear why any colleague would object to her effort or why they would effectively block consideration of their own amendments, but that is what happened. It is disappointing for our country.

We are hoping our friends will reconsider. Remember, the Energy Policy Modernization Act is broad bipartisan legislation designed to help Americans produce more energy, pay less for energy, and save energy, all while helping strengthen our long-term national security. We should pass it.

I am asking colleagues to take yes for an answer and allow the open amendment process to continue so that we can pass it, which is so important to helping our country prepare for the energy demands of today and the energy opportunities of tomorrow.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

HEEDING HURRICANE WARNINGS

Mr. NELSON. Madam President, hurricanes can be deadly. We are accustomed to them in Florida. They are part of our lifestyle. We know enough about hurricanes and the ferociousness and strength of Mother Nature to know that when a hurricane starts bearing down, you better be prepared, and that is especially so with regard to boats. Hurricanes cause giant-sized waves and strong winds that make it impossible to navigate a boat. So when the forecast calls for a hurricane, boats ought to get out of the way.

Sadly, last year the El Faro, a cargo vessel that sailed from Jacksonville to Puerto Rico and back, along with its sister ship, sailed right into a hurricane off the Bahamas. As a result, the last call to shore, although the captain's voice was calm, was to report that they had lost power and were therefore listing, which meant that something had been breached and water was coming into the ship. That was the last we heard from the captain. We now know that that ship is 5 miles below the surface of the Atlantic, on the eastern side of the Bahama Islands. Thirty-three people lost their lives, most of whom were from the Jacksonville, FL, area. The National Transportation Safety Board is conducting an investigation, and the question is whether or not they are going to put down another U.S. Navy submersible so they can continue their search for the recorder that would give them the complete data from the ship.

I am bringing this up again because the very same thing almost happened yesterday, only this time a 4,000-passenger cruise ship, sailing from the New York area to Port Canaveral, FL, and then on to other destinations in the Caribbean, sailed right into a hurricane that had winds topping 100 miles per hour.

I wish I had a blowup of the image of these hurricanes to show the Senate. Yesterday's storm was right off the coast of North and South Carolina. When these two images are compared side by side, we can see how yesterday's storm is similar to Hurricane Isabel. They look menacingly similar. The thing about yesterday's storm is that it was forecasted for days. So why in the world would a cruise ship with thousands of passengers on it go sailing right into it?

Some of the passengers have made comments, including Robert Huschka, executive editor of the Detroit Free Press, who was a passenger on the cruise. He said: ''I am not going to lie. It was truly terrifying.''

Passengers talked about how the water was coming into the upper decks. The pictures that were taken by the passengers on the ship speak for themselves. I am sure there was a courageous crew on board, but the question is: Why, after what happened to the El Faro last year, did it sail into the storm? Even if they were surprised by the change of the direction of the storm, which is what happened with the hurricane last year, why in the world would a ship go anywhere close to where the hurricane could be, particularly as the storm starts to cross the warm waters of the Gulf Stream,

and, therefore, gets all the more fuel for the counterclockwise rotation of the winds from the warm water?

I want the National Transportation Safety Board, over which the Senate Commerce Committee has some jurisdiction—of which I have the privilege of being the ranking member—to come up with a quick report.

Now, thank goodness, that so far only four passengers were reported injured and no one was killed. That ship is now returning to port back in the New York area. Thank goodness there was not much damage, and that it is seaworthy. But the question is, When there is a storm brewing, why are mistakes made just like what happened to the El Faro? Before it left the Port of Jacksonville, they knew that a hurricane was coming.

We need to know what happened in this case as well so we can prevent these kinds of accidents that could be so tragic in the future.

The Senate Commerce Committee has oversight of the National Transportation Safety Board, and I want them to come up with answers very quickly and make an admonition to Americans that when a storm is brewing, you don't go out of port.

I yield the floor.

I suggest the absence of a quorum.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Rebecca Goodgame Ebinger, of Iowa, to be United States District Judge for the Southern District of Iowa.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided in the usual form.

The Senator from Georgia.

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

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

TRIBUTE TO RICHARD ANDERSON

Mr. ISAKSON. Mr. President, on Friday of last week as I was getting ready to leave to go home to the State of Georgia, the United States of America, and the aviation industry received notice that Richard Anderson, CEO of Delta Airlines, will retire after a career of over 25 years in the aviation industry, but in particular a great career at Delta Airlines over the last decade. I rise to memorialize on the floor of the Senate how much my State and the aviation industry owes to Richard Anderson.

Richard took over Delta at a very critical time. In fact, Delta was in desperate straits. Because of his work at Delta, he revitalized the culture of the company, he revitalized the aviation industry in Georgia, and he made it a market for all of us to be proud of. In fact, in 1 year, 2 years ago, Delta was one of the 50 most admired companies in the United States of America and led the world in terms of aviation as stated by Aviation Magazine, but most importantly Richard Anderson came to Washington, DC, when all the aviation industry was in trouble. He was then with Northwest. Delta was having difficulties. He worked with the U.S. Senate, worked with the Finance Committee, worked with me, MIKE ENZI, and others to reform the pension performance act of 2005, and change the way pensions were calculated in order to save the pensions of Delta Airlines and many other airlines in the United States of America. His hands-on effort to revitalize that company led to the most prosperous year in its history in 2016, and the most prosperous decade it had in the last 10 years.

So as he announces he is leaving Delta Airlines and the aviation industry for other things to do, I want to, on the floor of the Senate, commend him for all he has done to make Delta Airlines in the State of Georgia great, all he has done for the aviation industry, and all he has done for the economy of the greatest country on the face of this Earth—the United States of America.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today the Senate will vote on the nomination of Judge Ebinger from Iowa. I am very pleased to be here to support her and to urge all my colleagues to also support her nomination.

I am very proud of the work my colleague Senator ERNST and I have done to fill the vacancies in Iowa's district courts by putting forward two exceptionally talented and qualified nominees, Judges Ebinger and Strand. I said this in committee but, for the benefit of all Members of the Senate, the Iowa nominees are two of the best judicial candidates the President has nominated during his Presidency.

To fill the vacancies in Iowa, I set up a Judicial Selection Commission and invited all interested Iowa lawyers to apply. The applicants were vetted by highly qualified members of the Iowa legal community. After spending hundreds of hours reviewing the applications, the Commission interviewed all 39 applicants. Eleven candidates of the thirty-nine were then selected for a lengthy second round of interviews. At the end of the process, the Commission sent their recommendations to me. In consultation with my fellow Iowa Senator, I was proud to recommend Judges Strand and Ebinger to the White House. Judges Strand and Ebinger have the highest credentials and character and will serve the State of Iowa with honor and with distinction.

I would like to say a little bit more about Judge Ebinger because she is the one of the two we are voting on today. Judge Ebinger received her undergraduate degree in 1997 from Georgetown University School of Foreign Service and her law degree from Yale Law School in 2004. She then served as a special assistant U.S. attorney in the U.S. Attorney's Office for the Northern District of Iowa in Cedar Rapids. There, she prosecuted criminal cases involving narcotics, immigration, firearms offenses, and violent crimes. She then clerked for Judge Michael Melloy on the Eighth Circuit for 2 years, also in Cedar Rapids, IA.

Following her clerkship, she moved to the U.S. Attorney's Office for the Southern District of Iowa as an assistant U.S. attorney. During this time, her practice shifted primarily to white-collar crime. She also handled intake for all child support enforcement cases and sex offender registry violations.

Judge Ebinger received a number of awards for her work with the U.S. Attorney's Office. In 2012, she was appointed to serve as a district judge in Iowa State court and was retained as a district judge in the 2014 election. As a State court judge, she presided over a court of general jurisdiction, handling civil law and equity, criminal, and family court proceedings. She has presided over 40 cases that have gone to verdict or trial.

Judge Ebinger is a highly qualified, well-respected judge already, and I urge my colleagues to support her nomination today.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, today we will vote on the nomination of Rebecca Ebinger to fill a judicial vacancy in the Federal district court in the southern district of Iowa.

Ms. Ebinger is a highly qualified nominee who has devoted her legal career to public service. Since 2012, she has served as a district judge in Iowa State court. Prior to joining the bench, Judge Ebinger served as a prosecutor at the Federal and State levels in Iowa, including in the U.S. attorney's offices for the southern and northern districts of Iowa. During her tenure as a Federal prosecutor, she was the lead attorney on cases involving violence against women. Judge Ebinger has the strong support of her home State Senators, Chairman GRASSLEY of the Judiciary Committee and Senator ERNST.

With her qualifications, I can understand why Chairman GRASSLEY recommended her to the President for this nomination. What I cannot understand is why moneyed Washington interest groups are calling on Republican Senators to oppose the confirmation of any judicial nominee, regardless of a nominee's merit or qualifications. Judicial nominees like Judge Ebinger have worked hard to build admirable legal careers that have put them at the top of their profession. When judicial nominees submit themselves to the nominations process, they do so expecting and deserving to be considered by Senators exercising their own independent judgement.

Judicial nominees not only deserve our independent and considered judgement, it is our constitutional obligation as Senators to provide it. The duty to provide advice and consent on the President's nominees is our own and cannot be abdicated to Washington political action committees. This is especially true when such political action committees are advocating that we turn our backs on the American people by completely shutting down the judicial confirmation process.

Too many Americans who have sought justice in our Federal courts since last year have instead found delays and empty courtrooms because of Senate Republicans' obstruction on judicial nominees. Over the course of last year, Senate Republicans allowed confirmation votes on just 11 judicial nominees—and judicial vacancies soared across the country. When Senate Republicans took over the majority in January of last year, there were 43 judicial vacancies. Since then, vacancies have dramatically increased to 77—an increase of more than 75 percent. Furthermore, the number of judicial vacancies deemed to be ''emergencies'' by the Administrative Office of the U.S. Courts because caseloads in those courts are unmanageably high has nearly tripled under Republican Senate leadership—from 12 when Republicans took over last year to 32 today. Refusing to confirm any judicial nominees for the rest of this year would make the high number of vacancies in our Federal judiciary even worse.

In addition to the vote on Judge Ebinger's confirmation today, we have agreed to vote this week on another Iowa district court judge. When we return from the Presidents' Day recess, I hope Republicans will continue confirming judicial nominees with bipartisan support, as Democrats did when we held the majority. In 2008, when I was chairman of the committee with a Republican President, we worked to confirm judicial nominees as late as September of the Presidential election year. In fact, Senate Democrats helped confirm all 10 of President Bush's district court nominees pending on the Senate floor in a single day by unanimous consent on September 26, 2008. This was similarly true in 2004, when I was ranking member of the committee with a Republican President, and we worked to confirm nominees as late as September of the Presidential election year.

There are 19 judicial nominees awaiting confirmation on the Senate floor. The next judicial nominee pending after we return from the President's Day recess will be Waverly Crenshaw, an exceptional African-American district court nominee from Tennessee who has the support of his Republican home State Senators, Senators ALEXANDER and CORKER. I hope the Senators from Tennessee will be able to convince their majority leader to schedule the Tennessee nominee's vote to occur this month. This is an emergency judicial vacancy in their State, so it is clear that this position is sorely needed for Tennesseans to receive swift justice in the middle district of Tennessee.

I urge my fellow Senators to vote to confirm Judge Ebinger and look forward to working with my fellow Senators to ensure timely confirmation of the other judicial nominees pending before the Senate.

Mr. GRASSLEY. 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. GRASSLEY. 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. GRASSLEY. I yield back time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the Ebinger nomination?

Mr. GRASSLEY. 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 Missouri (Mr. BLUNT), the Senator from Arkansas (Mr. COTTON), the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. RUBIO), the Senator from Nebraska (Mr. SASSE), the Senator from North Carolina (Mr. TILLIS), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Vermont (Mr. SANDERS), the Senator from New Hampshire (Mrs. SHAHEEN), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The result was announced—yeas 83, nays 0, as follows:

[Rollcall Vote No. 18 Ex.]

YEAS—83

Alexander	Feinstein	Moran
Ayotte	Fischer	Murkowski
Baldwin	Flake	Murphy
Barrasso	Franken	Murray
Bennet	Gardner	Nelson
Blumenthal	Gillibrand	Paul
Booker	Grassley	Perdue
Boozman	Hatch	Peters
Brown	Heinrich	Portman
Burr	Heitkamp	Reed
Cantwell	Hirono	Reid
Capito	Hoeven	Risch
Cardin	Inhofe	Roberts
Carper	Isakson	Rounds
Casey	Kaine	Schatz
Cassidy	King	Schumer
Coats	Kirk	Scott
Cochran	Klobuchar	Sessions
Collins	Lankford	Shelby
Coons	Leahy	Stabenow
Corker	Lee	Sullivan
Cornyn	Manchin	Tester
Crapo	Markey	Thune
Daines	McCaskill	Udall
Donnelly	McConnell	Warner
Durbin	Menendez	Warren
Enzi	Merkley	Wyden
Ernst	Mikulski	

NOT VOTING—17

Blunt	Johnson	Tillis
Boxer	McCain	Toomey
Cotton	Rubio	Vitter
Cruz	Sanders	Whitehouse
Graham	Sasse	Wicker
Heller	Shaheen	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader is recognized.

MORNING BUSINESS

Mr. MCCONNELL. 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.

The Senator from Minnesota.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Ms. KLOBUCHAR. Mr. President, I rise today for the fifth time to ask unanimous consent for a vote for the Ambassadors to Norway and Sweden. Senator CRUZ has been objecting to this. I appreciate the bipartisan support for these nominees. They made it through the committees without any objections.

These are the 11th and 12th biggest investors in the United States of America. They are our allies. They are our allies in our fight against Russian aggression. Norway shares a border with Russia. Yet every major European

country has an ambassador except Norway and Sweden.

I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Samuel D. Heins, Calendar No. 263; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mr. LANKFORD). Is there objection?

The majority leader.

Mr. MCCONNELL. Mr. President, on behalf of the junior Senator from Texas, Mr. CRUZ, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination that is to the country of Sweden: Azita Raji, Calendar No. 148; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. MCCONNELL. Mr. President, on behalf of the junior Senator from Texas, Mr. CRUZ, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, as I said, this has been a bipartisan effort to get these two nominees confirmed. There is no one holding up the vote on these nominations except for Senator CRUZ. We asked him to remove these holds. He has not voiced any concerns about these individual nominees. He has voiced concerns about unrelated foreign policy issues. There have been other holds in the past, but everyone has lifted their hold. I note that even Senator COTTON from Arkansas has said that there are no issues with the qualifications of these nominees and that these nominees should proceed to a vote.

As I said, this is the fifth time I have come to the floor. I have also been joined by Senator CARDIN, Senator SHAHEEN, and Senator FRANKEN. This is something that has to get done.

Listen to these numbers: Sam Heins has been waiting for 293 days to be confirmed as the U.S. ambassador to Norway. Azita Raji has been waiting 474 days to be confirmed as the first female U.S. Ambassador to Sweden. Both of these nominees were voted out of the Senate Foreign Relations Committee without controversy and with significant bipartisan support. Not a single Senator has questioned the qualifications of Sam Heins or Azita Raji. That is because they are both qualified to take these jobs.

We have an ambassador in France. We have an ambassador in England. We have an ambassador in Italy. We have an ambassador in Germany. We have an ambassador to nearly every European nation but not these two Scandinavian countries.

More than 1,200 refugees seek asylum in Sweden every single day. I cannot tell my colleagues how many times I have heard people on both sides of the aisle talk about how during this refugee crisis we need a strong and unified Europe, and we need to be their allies, and they need to be our allies. While we may have disagreements on how to solve all of the refugee crises, we have to at least give support to our allies who are taking in these refugees.

Sweden accepts more refugees per capita than any other country in the European Union. Norway 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 this. Yet, right now, no Ambassadors are in those two critical countries.

I would note they have Ambassadors from China in those countries. They have Ambassadors from Russia. They have Ambassadors. So the people of their countries who love the United States, who respect the United States, who travel to the United States, they want to know: How come every major nation has an ambassador to our country but not the United States of America?

We also understand the important economic contributions Sweden and Norway make to our country. These diplomatic relations are 200 years old. That is why we have widespread support for these nominees. Yet one Senator—how can one Senator stand in the way of a vote affecting relations that are 200 years old?

Our economic partnership with these countries is enormous. Sweden supports over 330,700 American jobs across 50 States. In the case of Norway, our trade partnership is $16 billion—$7 billion in exports, $9 billion in imports. Leaving these countries without a U.S. Ambassador is a slap in the face to their governments, their people, and all of the American workers who are supported by Swedish and Norwegian investment in the United States. That is happening today.

In addition to Sam Heins and Azita Raji, there are other nominees who are vital in our fight against terrorism; however, I am going to focus today on these two nominees.

We have two countries, Norway and Sweden, that are members of NATO, that have joined us in the fight against Islamic extremists, that have joined us in the fight against ISIS. This is no way to treat them.

I would also add, in kind of a combination of our national security interests and economic interests, that Norway has now signed to purchase 252 fighter planes—22 just recently—from Lockheed Martin. Those fighter planes are made in America. The country of Norway could have decided to buy those fighter planes from any nation in the world. They could have bought those fighter planes from Europe. Where did they buy those fighter planes from? They brought them from the United States, from Lockheed Martin, and that company is located in Texas. Those fighter planes are made in Fort Worth, TX, Senator CRUZ's home State.

So what do we say to Norway when they invest? We can do the math—nearly $200 million a plane, 22 planes. So they have strong national security, as we see Russian aggression and Islamic extremism and as they join with us in fights across the world. What do we say? You are not worthy of an ambassador. Because one Senator—the Senator from the State where those fighter planes are made, from Fort Worth, TX—has decided to hold this up.

What are we doing when we say to a major company in the United States that got a major deal with a foreign government that that government is not worthy of having an ambassador? What kind of encouragement do we give when we don't even let them have an ambassador?

This is one of many examples of what is going on and why the people are so angry. We have heard from the Foreign Minister. We have seen comments from people of Norwegian descent and Swedish descent who do not understand how this could be going on right now, given everything Europe is confronting.

It is my hope that we will be able to work these things out. We have been given various reasons from letters that have been written, to streets in front of embassies, for this hold. But we are hopeful that somehow we are going to be able to work this out. This is because of one Senator who is not even here in this Chamber day after day after day when I return to put these names in for Ambassador.

We are not stopping. Senator SHAHEEN and I are going to come to this floor every single day and make the case for these countries. I am hopeful we will be able to resolve this.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I ask unanimous consent to enter into a colloquy with the junior Senator from Montana for 20 minutes.

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

EQUAL JUSTICE UNDER THE LAW

Mr. SULLIVAN. Mr. President, I rise today to speak about a very important issue for our Nation's judicial system and two bills that I and my colleague from Montana have introduced. The bills' primary focus is what all of us in the Senate want, and that is equal justice under the law.

One of the bills would split the dysfunctional and unwieldy U.S. Court of Appeals for the Ninth Circuit. The other bill would form a commission to evaluate the court and make recommendations based on its findings.

Like a lot of us here, when I am in Washington I like to get out and try to get a run in in the morning and look at the beautiful monuments, memorials. Oftentimes I run past the U.S. Supreme Court, and I often look at the inscription etched on the beautiful Court there that says simply ''Equal justice under law.'' I think of Supreme Court Justice Lewis Powell's famous quote restated:

> Equal justice under the law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists. . . .

I also think of the thousands of lawyers and judges and clerks, past and present, who have lived their lives attempting to fulfill its important ideal and how our democratic system of government is dependent on striving for this ideal.

We should do everything in this body to make sure that simple concept—equal justice under the law—is a reality for all Americans. All Americans should feel assured that when we seek justice, the burdens we encounter, the time we encounter to achieve justice won't be smaller or greater depending on the part of the country in which we live.

Unfortunately, that is not the case. Unfortunately, if you are a citizen of the United States and you live in one of the States over which the U.S. Court of Appeals for the Ninth Circuit has jurisdiction over your legal issues in the administration of justice, one in five Americans do not get equal justice under the law. What our bills are focused on doing is righting that wrong because the U.S. Court of Appeals for the Ninth Circuit is simply too large, its scope is too wide, and it has long passed its ability to provide equal justice and to contribute as a functional court system in the U.S. court of appeals Federal court system in our country.

This is no surprise. We have known this for decades. Dividing the Ninth Circuit is not a new idea. In fact, not doing it is radical. If you look at the history of the United States, when Federal courts of appeals have grown in terms of population, what has happened every time for decades, for well over 100 years, is that when the court grows too big and the administration of justice grinds to a halt, the court is split so that you have that justice. That is the usual course of American history. What is not usual is the refusal to do this.

To give a few examples, in 1973 a congressionally chartered Commission recommended to this body that for the administration of justice for American citizens, the Ninth Circuit should be split. It actually recommended that the Fifth and Ninth Circuit should be split. The Fifth Circuit was eventually split, but according to the Commission, the Ninth Circuit, which it said had serious difficulties with backlog, delay, and justice for Americans, was not split, and it has only gotten worse.

To give a few facts, there are 65 million people living within the boundaries of the Ninth Circuit. That represents 20 percent of the total population of the United States—one in five Americans. That is almost two times as many people as there are in the next biggest circuit in the U.S. court of appeals system, and it is almost three times the average population of all the other circuits combined. It is not only just the size of the court.

The caseload is what is inhibiting justice for Americans in the Ninth Circuit. At the end of a 12-month period last year, the Ninth Circuit Court of Appeals had almost 14,000 pending appeals; the next largest court of appeals had about 4,700. Justice delayed is justice denied.

In previous hearings in the Senate, we found that it takes, on average, for the Ninth Circuit, almost 40 percent longer to dispose of an appeal than in any other circuit in the country. This is simply a function of a court that is too big and too unwieldy. Because of the size and inefficiency of the court, the court has started to come up with creative shortcuts—questionable procedural shortcuts which I believe are shortchanging justice for tens of thousands of Americans every year in this court of appeals.

Let me give you a few examples. Every court in the U.S. Federal system, in order to have uniformity of law, when they have difficult issues, they meet as a court in what they call an en banc meeting. This provides uniformity in all the courts. There is only one court that doesn't do that. Because it has 29 judges—much more than any other court—the Ninth Circuit does not meet as a whole court; therefore, limiting its ability to address intracircuit conflicts, with no uniformity in the law in the Ninth Circuit, and it is seen again and again and again. Further, and perhaps most alarming—again because of its size—the Ninth Circuit is the only court of Federal appeals where a nonelected, nonappointed, nonarticle II judge called an appellate commissioner rules on matters by the thousands that should be handled by article III life-tenured judges—not an appellate commissioner who is none of those things.

In a 2005 congressional hearing, one of the Ninth Circuit judges testified ''that the appellate commissioner resolved 4,600 motions that would otherwise have been heard by judges.'' This is fast-food justice for one in five Americans who are part of the Ninth Circuit.

This Senator plans to come down to the floor over the next several weeks and speak to my experience on the Ninth Circuit Court of Appeals. I had the opportunity—the honor—to be a judicial law clerk for one of the most esteemed judges, Judge Kleinfeld of Fairbanks, AK, many years ago, but I did see firsthand how the unwieldy size of this court of appeals limits justice, not just for Alaskans but for any citizen who is under the jurisdiction of this court.

Chief Justice Warren Burger warned in 1970 that ''a sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people.'' He cautioned that inefficiency and delay in our courts of appeals could destroy that confidence. Unfortunately, as it is currently constituted, the Ninth Circuit is inefficient, it delays, and therefore denies justice for millions of Americans, and we cannot allow the confidence in our system of justice to be undermined by continuing a court of appeals that is so large and so unwieldy. That is why the Senator from Montana and I intend with our bills to bring equal justice for all Americans.

I turn to my colleague from Montana for his views on this very important issue.

Mr. DAINES. I thank the junior Senator from Alaska, and I appreciate him joining me in this most important effort and also for the leadership he has demonstrated on this issue. As the junior Senator from Alaska knows, the Ninth Circuit Court is broken. It is overburdened and is unable to provide quality service and expeditious justice for the Americans it is supposed to serve.

When we offer the Pledge of Allegiance, we close with ''and justice for all.'' As I frequently tell my staff, we in public service are ultimately in the customer service business. As U.S. Senators, our No. 1 job is to represent and to serve the people in our States. Our courts should reflect the same serving mentality as they uphold their responsibility to justice, but when our courts are overburdened and overworked, it is the American people who are left underserved and waiting far too long for justice. Unfortunately, under the current structure, the Ninth Circuit Court of Appeals is unable to provide Americans in the West the service they deserve.

Take a look at this chart behind me. At 64.4 million people served, the current Ninth Circuit is the largest circuit by population as well as the largest land area. As the junior Senator from Alaska will sometimes remind us, if they divide Alaska in two, Texas is the third largest State in the Nation. It is not just about the geographical size of the West. Look at the number of people who are served in the Ninth Circuit. It includes Montana, Alaska, Washington, Oregon, Idaho, Nevada, Arizona, California, and Hawaii, not to mention several U.S. territories, Guam, and the Northern Mariana Islands. That alone amounts to 20 percent of the Nation's population.

Let's put this in context. That is 85 percent larger than the next largest

circuit which serves just 34.8 million people, and this chart illustrates that well. Needless to say, the Ninth Circuit's caseload is significantly greater than any other circuit, and that means backlogs and that means delays. Not only is it larger, it is disproportionately larger. On average, the Ninth Circuit has had more than 32 percent of all cases pending nationally. As the junior Senator from Alaska mentioned, it currently has over 14,000 cases pending. As you can see in this next chart behind me, that is three times more than the next closest circuit, the Fifth Circuit, which has around 4,700 cases pending. Processing all these cases takes time; in fact, on the average, over the last 5 years, nearly 15 months from appeal to determination.

It is time to take a serious look at how our court system can better serve the American people, and that is why Senator SULLIVAN and I have introduced two separate bills to address these challenges. Our bills would bring much needed reform, not just to the Ninth Circuit but also to the entire Federal circuit courts of appeals system. The Circuit Court of Appeals Restructuring and Modernization Act would split the Ninth Circuit Court of Appeals into two circuits, providing a more manageable balance of population and geography for both circuits so western Americans can be better served by our courts.

The Federal Courts of Appeals Modernization Act would establish a commission to study the Federal circuit courts of appeals system and identify changes needed to promote an expeditious and effective disposition of the Ninth Circuit caseload. Keep this in mind. When we split the circuits into a new Ninth and the Twelfth Circuits, the Ninth Circuit would still have a larger caseload than any other circuit. In the new Ninth Circuit's jurisdiction, there would be 40.8 million people. It would continue to maintain its status as first in population. In the Twelfth Circuit's jurisdiction, this new circuit we would establish, there would be 24.3 million people, which makes it the seventh largest in population among the circuits. It is just a little bit below the average. Those numbers alone should make it clear reforms are needed.

It is worth remembering that the challenges facing the Ninth Circuit have been longstanding, and the efforts to find solutions are bipartisan. In fact, two prior Commissions—one in 1973 and the other in 1988, which, by the way, was championed by California Senator DIANNE FEINSTEIN—both determined that the Ninth Circuit had an overly burdensome size and scope and suggested that changes be made with the structure of the Federal courts of appeals.

It is time to move forward with concrete solutions to address this problem. The bills introduced by the junior Senator from Alaska and I will do so.

I was trained as an engineer. As an engineer, one identifies a problem and most importantly finds a solution. We have a capacity constraint which can be alleviated. In thinking about our communities, as our communities grow, we need to add more schools, add more teachers, and add more police officers.

We need to ensure that all Americans have access to the justice they deserve. It is time to split the Ninth Circuit.

I want to thank the junior Senator from Alaska for championing this important issue, and I look forward to working with him to find a resolution.

Mr. SULLIVAN. I thank my colleague from Montana and for his point in particular. The charts make a very compelling case, but I think his point in particular about constraints—when things get too large, they become an organization that cannot function.

I think when you look at the debate that has occurred previously about the Ninth Circuit, somehow we have gotten to the point where it is some kind of radical idea to split the Ninth Circuit. But if you look at the history of our country, the radical idea is actually not splitting the Ninth Circuit. The outlier position is not to take a court either that has this many cases pending or that controls this much of the population and not do something about it.

The history of this body, starting with the Judiciary Act of 1789 that created three circuit courts: Eastern, Middle, and Southern—only a few years later, Congress acted again—in 1802, a mere 13 years later—and Congress doubled the number of circuit courts to six. What we have seen throughout our history is when this kind of situation exists where one court has an enormously oversized population, Congress—as my colleague from Montana mentioned—acts in a bipartisan manner, and they act for the sole reason to make sure all Americans are getting effective administration of justice.

When your citizens wait longer than any other Americans and have delays more than any other Americans and when your court that you are subject to the jurisdiction of starts to create procedural shortcuts, not a lot of which are known—and we are going to talk about some of those over the next several weeks—and no other court does that, you start to see that one in five Americans is burdened by this and burdened by the lack of what the Supreme Court says: ''Equal Justice Under Law.''

I again thank my colleague from Montana. I know he has some views on what would happen again if this doesn't happen in his State or in my State. But this isn't just about the West; this is about all Americans. We all deserve the same justice.

Just by looking at these two posters, cases pending, as I talked about earlier, and the time it takes to get appeals completed and the enormous population of just one circuit, what is clear to me is that the Congress needs to act.

I am honored to be working with my good friend from Montana where we are offering Congress a variety of different ways to approach this—a commission, a bill to split the circuit.

But I want to emphasize that this is not a radical idea; the radical idea that is out of step with American history is to not do something about this.

Every time in America's history since the Judiciary Act of 1789 when this type of situation has occurred, Congress has acted, and they acted because they knew equal justice under the law was at stake.

Mr. DAINES. I remember as we were raising our four children, sometimes it would be late at night with a sick child, and I would turn on ''Sesame Street'' with the child. I remember there was that ''One of These Things (Is Not Like the Others)'' song. As I look at that chart, this could be a ''Sesame Street'' illustration. One of these circuits is not like the others. It is such a stark contrast to what we see with the Ninth Circuit.

With the disproportionate number of cases that are pending in the Ninth Circuit, this is not that complicated of a problem in terms of trying to identify where the problem lies. It is simply a factor of constraints, and it starts with the population chart my colleague from Alaska has, but then it results in a disproportionate share of cases coming out of that population. That is why something must be done.

These two prior Commissions that have studied this before, the one in 1973—which, by the way, in 1973, I was 11 years old. I was about ''Sesame Street'' age then. At that point they said the Ninth Circuit had an overly burdensome size in 1973. Yet again in 1998, I am grateful that California Senator DIANNE FEINSTEIN was championing that Commission. She looked at this same issue 18 years ago and determined that the Ninth Circuit was overly burdened and suggested changes be made to the structure of the Federal courts of appeal.

So I look forward to working with my colleague from Alaska as we have identified this problem and now move forward to a solution. If there is something we hear over and over again from the American people, it is this: You are not solving the problems facing this country.

We have a problem. We have a solution. I look forward to vigorous discussions and continuing to get more information, and I look forward to the alternatives. We think this is the best solution—to split the Ninth, add the Twelfth Circuit. Even after that is done—you take the Ninth and create the new Twelfth Circuit—the Ninth Circuit will still be the largest circuit by population in the United States.

I again thank the junior Senator from Alaska for taking the lead in this effort and look forward to continuing this discussion.

Mr. SULLIVAN. I appreciate my colleague's efforts as well. We will continue to be focused on this.

I will end by mentioning—my colleague mentioned the Sesame Street adage ''One of these things is not like the other.'' But one other area where this is the case, as I mentioned before, is in the en banc procedures. That is when the courts of appeal—every one of them in the country with the exception of one—when they have difficult issues, they sit together. All the active judges sit together. This provides uniformity and predictability in these courts. But one of these courts is not like the others. The Ninth Circuit cannot do this. It is too big. So they have developed what is called a limited en banc review, which by definition is incorrect and an oxymoron because ''en banc'' means the whole court. So that is why you have so many opinions in this court that are not uniform, that are problematic, and that undermine the administration of justice for the one in five Americans who is subject to this court's jurisdiction.

I look forward to working on this with my good friend the Senator from Montana and Members on both sides of the aisle. This should be a bipartisan issue for every Member of this body who wants to make sure their citizens have equal justice under the law.

I yield the floor.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, I previously revised allocations, aggregates, and levels in the budget resolution pursuant to section 4305 of S. Con. Res. 11, the concurrent resolution on the budget for fiscal year 2016, for H.R. 3762, the Restoring Americans' Healthcare Freedom Reconciliation Act of 2015. On January 6, 2016, the House of Representatives passed H.R. 3762, which had been amended by a complete Senate substitute. On January 8, 2016, the President vetoed the measure. On February 2, 2016, the House was unable to override the President's veto. As such, I am reversing my previous adjustments for this legislation.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

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

BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$s in millions	2016
Current Aggregates:	
Spending:	
Budget Authority	3,045,629
Outlays	3,066,946
Adjustments:	
Spending:	
Budget Authority	24,200
Outlays	24,300
Revised Aggregates:	
Spending:	
Budget Authority	3,069,829
Outlays	3,091,246

BUDGET AGGREGATE—REVENUES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$s in millions	2016	2016–2020	2016–2025
Current Aggregates:			
Revenue	2,618,967	14,034,414	31,240,399
Adjustments:			
Revenue	57,000	381,500	992,700
Revised Aggregates:			
Revenue	2,675,967	14,415,914	32,233,099

REVISION TO ALLOCATION TO THE COMMITTEE ON FINANCE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$s in millions	2016	2016–2020	2016–2025
Current Allocation:			
Budget Authority	2,177,749	12,337,951	29,444,376
Outlays	2,167,759	12,318,105	29,419,399
Adjustments:			
Budget Authority	2,000	4,600	−16,200
Outlays	2,000	4,600	−16,200
Revised Allocation:			
Budget Authority	2,179,749	12,342,551	29,428,176
Outlays	2,169,759	12,322,705	29,403,199

REVISION TO ALLOCATION TO THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$s in millions	2016	2016–2020	2016–2025
Current Allocation:			
Budget Authority	12,406	83,087	160,659
Outlays	14,540	85,369	171,718
Adjustments:			
Budget Authority	0	4,200	13,700
Outlays	0	2,400	10,900
Revised Allocation:			
Budget Authority	12,406	87,287	174,359
Outlays	14,540	87,769	182,618

REVISION TO ALLOCATION TO UNASSIGNED TO COMMITTEE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$s in millions	2016	2016–2020	2016–2025
Current Allocation:			
Budget Authority	−952,199	−6,477,783	−16,637,575
Outlays	−906,718	−6,350,658	−16,317,826
Adjustments:			
Budget Authority	22,100	463,500	1,368,800
Outlays	22,100	463,500	1,368,800
Revised Allocation:			
Budget Authority	−930,099	−6,014,283	−15,268,775
Outlays	−884,618	−5,887,158	−14,949,026

ADDITIONAL STATEMENTS

REMEMBERING FORREST R. JARVIS

● Mr. MANCHIN. Mr. President, today I wish to honor Forrest R. ''Dick'' Jarvis, a beloved native of north central West Virginia who passed away on January 27, 2016.

Dick was a remarkable community leader, veteran, family man, and friend; and he left a tremendous legacy throughout my home State. Put simply, Dick stood out among others. He was the epitome of what West Virginians are all about, with his hospitable nature and unwavering commitment to helping those in need.

Upon graduating from Rivesville High School in 1948, Dick enlisted in

the U.S. Navy, where he reported aboard the Destroyer USS *Brownson* DD 868 during the Korean war. His selfless service to our State and Nation is truly admirable and will never be forgotten.

Once discharged, he returned to West Virginia and entered the insurance business, where he retired as a sales manager after more than 25 years of service.

Dick was an outstanding community leader and was also a member of numerous organizations. He was president of the Morgantown Life Underwriters Association and the West Virginia Association of Life Underwriters and was a Life Underwriter Training Council Fellow. He was active in the Democratic Party of Monongalia County and served two terms as county Democratic chairman. He served five terms on Star City Council and was president of the Monongalia County Volunteer Fire Companies Association for 10 years.

Among his many accomplishments, Dick was instrumental in starting the MECCA 911 emergency dispatch center in Monongalia County and served as chairman of the policy board for more than 8 years. He was a lifetime member of the Star City Volunteer Fire Department, the VFW Post 548, the USS *Brownson* DD 868 Association, and the Tin Can Sailors Association.

It is a very special individual who can sacrifice so much for our Nation, only to return home and continue the tradition of giving back to our communities. Dick led by example and treated his neighbors as friends and his friends as family. He instilled this same loyal community service mindset throughout his family. He leaves behind his loving wife, Willa; his daughter Rebecca and her husband Reverend Mark Combs; his grandsons, Matthew and Alexander; and his dear brother Robert.

Dick was a beloved family man, friend, and inspiration to the Star City community. His glowing smile and positive attitude were contagious and will live on in the memories and hearts of all those who had the privilege of knowing him. Dick's service was greatly appreciated and will certainly never be forgotten.●

TRIBUTE TO STEVE PRINGLE

● Mr. MORAN. Mr. President, agriculture is the backbone of our country. It is a significant economic driver, and perhaps more importantly, it offers our citizens a way of life that is unique in today's world. Within agriculture, I often encounter thoughtful, committed men and women who work every day to raise their families, run their businesses, serve their neighbors, and provide a better future for the next generation.

Those qualities are found in Steve Pringle, who has served on behalf of Texas Farm Bureau for over 25 years. Under Steve's leadership, the organization has influenced agricultural policy, promoted rural values, and worked to show an increasingly urban populace how food is produced.

I met Steve many years ago, and over those years, we grew to be friends. As agricultural issues repeatedly came to the forefront of debate in Washington—from trade and energy, to the economy, overregulation, and the farm bill—he was always someone whom I could count on to give me trustworthy advice and counsel.

Steve is a veteran, a husband, and a father. His long and distinguished career includes stints at the House Agriculture Committee, Texas A&M University, and the U.S. Department of Agriculture. For over a quarter century however, Steve has been the face of Texas Farm Bureau. Steve's passion for improving the lives of farmers and ranchers and advocating for the future of rural America has always impressed me.

Steve Pringle embodies many traits we can all admire, including a deep gratitude for the hard-working families who provide the food, fuel, and fiber Americans rely on. Texas farmers and ranchers found in Steve Pringle a true public servant who worked hard to make certain their voices were heard on Capitol Hill. These traits have earned Steve the respect of his peers in Texas, in my home State of Kansas, and from across the country.

Steve, we are grateful for your service and wish you and your wife, Linda, well in the next chapter of your life.●

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 766. An act to provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository institution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3033) to require the President's annual budget request to Congress each year to include a line item for the Research in Disabilities Education program of the National Science Foundation and to require the National Science Foundation to conduct research on dyslexia.

MEASURES REFERRED

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

H.R. 766. An act to provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository institution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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–4295. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyazofamid; Pesticide Tolerances'' (FRL No. 9940–46–OCSPP) received in the Office of the President of the Senate on February 2, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4296. A communication from the Chief of the Planning and Regulatory Affairs Branch, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''SNAP Requirement for National Directory of New Hires Employment Verification and Annual Program Activity Reporting'' (RIN0584–AE36) received in the Office of the President of the Senate on February 2, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4297. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary of the Army, Department of Defense, received in the Office of the President of the Senate on February 3, 2016; to the Committee on Armed Services.

EC–4298. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Bernard S. Champoux, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4299. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC–4300. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the North Slope Science Initiative; to the Committee on Energy and Natural Resources.

EC–4301. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Revisions to Reporting and Recordkeeping for Imports and Exports'' (FRL No. 9941–82–OAR) received in the Office of the President of the Senate on February 2, 2016; to the Committee on Environment and Public Works.

EC–4302. 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 ''Section 506 Notification Requirement for New and Certain Existing Section 501(c) (4) Organizations'' (Notice 2016–9) received in the Office of the President of the Senate on February 2, 2016; to the Committee on Finance.

EC–4303. 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 ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2016–7) received in the Office of the President of the Senate on February 2, 2016; to the Committee on Finance.

EC–4304. 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 ''Applicable Federal Rates—February 2016'' (Rev. Rul. 2016–4) received in the Office of the President of the Senate on February 2, 2016; to the Committee on Finance.

EC–4305. 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 Ruling: 2016 Prevailing State Assumed Interest Rates'' (Rev. Rul. 2016–2) received in the Office of the President of the Senate on February 2, 2016; to the Committee on Finance.

EC–4306. 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 ''Revocation of Rev. Rul. 2008–15'' (Rev. Rul. 2016–3) received in the Office of the President of the Senate on February 2, 2016; to the Committee on Finance.

EC–4307. 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 ''Guidance Relating to Refunds of Foreign Tax for Which an Election was Made Under Section 853'' (Notice 2016–10) received in the Office of the President of the Senate on February 2, 2016; to the Committee on Finance.

EC–4308. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–129); to the Committee on Foreign Relations.

EC–4309. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–130); to the Committee on Foreign Relations.

EC–4310. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–120); to the Committee on Foreign Relations.

EC–4311. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended'' (RIN1400–AD17) received in the Office of the President of the Senate on February 3, 2016; to the Committee on Foreign Relations.

EC–4312. A communication from the General Counsel, Peace Corps, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Director of the Peace Corps, received in the Office of the President of the Senate on February 3, 2016; to the Committee on Foreign Relations.

EC–4313. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–275, ''Office of the Attorney General Personnel and Procurement Clarification Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–4314. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–276, ''Washington Metropolitan Area Transit Authority Safety Regulation Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–4315. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–277, ''Microstamping Implementation Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–4316. A communication from the Chief of the Satellite Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Comprehensive Review of Licensing and Operating Rules for Satellite Services'' ((IB Docket No. 12–267) (FCC 15–167)) received in the Office of the President of the Senate on February 3, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4317. A communication from the Senior Assistant Chief Counsel for Hazmat Safety Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Adoption of Special Permits (MAP–21) (RRR)'' (RIN2137–AF00) received in the Office of the President of the Senate on February 2, 2016; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTS, from the Committee on Agriculture, Nutrition, and Forestry:

Report to accompany H.R. 2051, a bill to amend the Agricultural Marketing Act of 1946 to extend the livestock mandatory price reporting requirements, and for other purposes (Rept. No. 114–206).

By Mr. BARRASSO, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 383. A bill to provide for Indian trust asset management reform, and for other purposes (Rept. No. 114–207).

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. HATCH (for himself and Mr. LEAHY):

S. 2510. A bill to encourage and facilitate international participation in the performing arts and for other purposes; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself, Mrs. MURRAY, Mr. CASSIDY, Mr. WHITEHOUSE, Mr. HATCH, and Mr. BENNET):

S. 2511. A bill to improve Federal requirements relating to the development and use of electronic health records technology; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRANKEN (for himself, Mr. NELSON, Mr. ISAKSON, and Mr. BROWN):

S. 2512. A bill to expand the tropical disease product priority review voucher program to encourage treatments for Zika virus; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PERDUE:

S. 2513. A bill to amend the Congressional Budget Act of 1974 to include the outlays and revenue totals relating to social security benefits in a concurrent resolution on the budget, and for other purposes; to the Committee on the Budget.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. HIRONO (for herself, Ms. BALDWIN, Mrs. FEINSTEIN, Ms. HEITKAMP, Ms. WARREN, Ms. KLOBUCHAR, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. CAPITO, Ms. AYOTTE, Ms. CANTWELL, Mrs. BOXER, Mrs. FISCHER, Mrs. SHAHEEN, Ms. STABENOW, Ms. COLLINS, Mr. DURBIN, and Ms. MIKULSKI):

S. Res. 365. A resolution designating February 2016 as ''American Heart Month'' and February 5, 2016, as ''National Wear Red Day''; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself, Ms. HIRONO, Mr. REID, Mr. KIRK, and Mr. RUBIO):

S. Res. 366. A resolution recognizing the cultural and historical significance of Lunar New Year; considered and agreed to.

ADDITIONAL COSPONSORS

S. 524

At the request of Mr. PORTMAN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor 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. 628

At the request of Mr. KIRK, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 628, a bill to amend the Public Health Service Act to provide for the designation of maternity care health professional shortage areas.

S. 849

At the request of Mr. ISAKSON, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 849, a bill to amend the Public Health Service Act to provide for systematic data collection and analysis and epidemiological research regarding Multiple Sclerosis (MS), Parkinson's disease, and other neurological diseases.

S. 1239

At the request of Mr. DONNELLY, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1239, a bill to amend the Clean Air Act with respect to the ethanol waiver for the Reid vapor pressure limitations under that Act.

S. 1421

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1421, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize a 6-month extension of certain exclusivity periods in the case of approved drugs that are subsequently approved for a new indication to prevent, diagnose, or treat a rare disease or condition, and for other purposes.

S. 1547

At the request of Mr. ISAKSON, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1547, a bill to provide high-skilled visas for nationals of the Republic of Korea, and for other purposes.

S. 1622

At the request of Mr. BURR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1622, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to devices.

S. 1883

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1883, a bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

S. 2144

At the request of Mr. GARDNER, the name of the Senator from Texas (Mr. CRUZ) 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. 2248

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2248, a bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes.

S. 2401

At the request of Ms. KLOBUCHAR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2401, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 2426

At the request of Mr. GARDNER, the names of the Senator from Utah (Mr. HATCH) and the Senator from Kansas (Mr. ROBERTS) 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.

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2426, supra.

S. 2437

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2437, a bill to amend title 38, United States Code, to provide for the burial of the cremated remains of persons who served as Women's Air Forces Service Pilots in Arlington National Cemetery, and for other purposes.

S. 2450

At the request of Mr. TESTER, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 2450, a bill to amend title 5, United States Code, to address administrative leave for Federal employees, and for other purposes.

S. 2475

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 2475, a bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

S. 2477

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 2477, a bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes.

S. 2485

At the request of Mr. THUNE, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 2485, a bill to provide for the immediate reinstatement of sanctions against Iran if Iran attempts to acquire nuclear weapons technology from North Korea.

S. 2490

At the request of Mr. FLAKE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2490, a bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes.

S. 2502

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2502, a bill to amend the Employee Retirement Income Security Act of 1974 to ensure that retirement investors receive advice in their best interests, and for other purposes.

S. 2506

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2506, a bill to restore statutory rights to the people of the United States from forced arbitration.

S. RES. 349

At the request of Mr. ROBERTS, the names of the Senator from Georgia (Mr. PERDUE), the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. ISAKSON) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. Res. 349, a resolution congratulating the Farm Credit System on the celebration of its 100th anniversary.

AMENDMENT NO. 3035

At the request of Mr. MURPHY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor 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. 3248

At the request of Ms. STABENOW, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 3248 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. LEAHY):

S. 2510. A bill to encourage and facilitate international participation in the performing arts and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, Senator HATCH and I are reintroducing the Arts Require Timely Service Act or ARTS Act. This bipartisan measure would assist nonprofit arts organizations in obtaining visas for visiting foreign artists. For many renowned artists abroad hoping to share their talent with American audiences, our visa system is often inconsistent and unreliable. Although current law establishes a specific processing period for artist visas, petitioners regularly confront prolonged and uncertain wait times. This delay and uncertainty carries great costs for the nonprofit organizations that seek to bring foreign artists to American audiences.

While expedited visa processing is available, many of these organizations are unable to afford those fees, and the resulting delays in regular processing lead to interruptions and cancellations in performance schedules. Ultimately, the inefficiencies in obtaining foreign artist visas stifle the promotion of international cultural exchange and impede the mission of great American cultural institutions.

The ARTS Act addresses these challenges by requiring the Secretary of Homeland Security to provide expedited processing services, without a fee, if an O- or P- artist visa is not adjudicated within a 14-day time frame, and the petition is filed by or on behalf of a nonprofit organization. The legislation ensures that nonprofit arts organizations do not have to choose between making adjustments to their programming and incurring additional unexpected costs. We should be encouraging international participation in the performing arts, not thwarting it. That is why more than 80 national organizations consisting of musicians, orchestras, museums, performing artists, and local arts organizations such as the Vermont Symphony Orchestra, support the ARTS Act.

I have long been a supporter of the arts and am proud of the great contributions the arts community has made in my home state of Vermont. Organizations such as the Vermont Symphony Orchestra, Vermont Performance Lab, and Burlington City Arts enrich our State's dynamic culture, are integral to our economy, and ensure that all communities benefit from the remarkable power of the arts. The ARTS Act acknowledges the

unique challenges that nonprofit arts organizations confront with our visa system and would assist them in their effort to bring international arts and culture to our communities.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 365—DESIGNATING FEBRUARY 2016 AS ''AMERICAN HEART MONTH'' AND FEBRUARY 5, 2016, AS ''NATIONAL WEAR RED DAY''

Ms. HIRONO (for herself, Ms. BALDWIN, Mrs. FEINSTEIN, Ms. HEITKAMP, Ms. WARREN, Ms. KLOBUCHAR, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. CAPITO, Ms. AYOTTE, Ms. CANTWELL, Mrs. BOXER, Mrs. FISCHER, Mrs. SHAHEEN, Ms. STABENOW, Ms. COLLINS, Mr. DURBIN, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 365

Whereas heart disease affects men, women, and children of every age and race in the United States;

Whereas, between 2003 and 2013, the death rate from heart disease fell nearly 40 percent, but heart disease continues to be the leading cause of death in the United States, taking the lives of approximately 370,000 individuals in the United States and accounting for 1 in 7 deaths nationwide;

Whereas congenital heart defects are the most common birth defect in the United States, as well as the leading killer of infants with birth defects;

Whereas, every year, an estimated 750,000 individuals in the United States have a heart attack, of which an estimated 116,000 individuals die;

Whereas cardiovascular disease and stroke account for $316,000,000,000 in health care expenditures and lost productivity annually;

Whereas cardiovascular disease and stroke will account for $1,393,000,000,000 in health care expenditures and lost productivity annually by 2030;

Whereas individuals in the United States have made great progress in reducing the death rate for coronary heart disease, but this progress has been more modest with respect to the death rate for coronary heart disease for women and minorities;

Whereas many people do not recognize that heart disease is the number 1 killer of women in the United States, taking the lives of 287,220 women in 2012;

Whereas nearly ⅔ of women who unexpectedly die of heart disease have no previous symptoms of disease;

Whereas nearly ½ of all African-American adults have some form of cardiovascular disease, including 48 percent of African-American women and 46 percent of African-American men;

Whereas many minority women, including African-American, Hispanic, Asian-American, and Native-American women and women from indigenous populations, have a greater prevalence of risk factors or are at a higher risk of death from heart disease, stroke, and other cardiovascular diseases, but such women are less likely to know of the risk;

Whereas, between 1965 and 2016, treatment of cardiovascular disease for women has largely been based on medical research on men;

Whereas, due to the differences in heart disease between males and females, more research and data on the effects of heart disease treatments for women is vital;

Whereas extensive clinical and statistical studies have identified major and contributing factors that increase the risk of heart disease, including high blood pressure, high blood cholesterol, smoking tobacco products, exposure to tobacco smoke, physical inactivity, obesity, and diabetes mellitus;

Whereas an individual can greatly reduce the risk of cardiovascular disease through lifestyle modification coupled with medical treatment when necessary;

Whereas greater awareness and early detection of risk factors of heart disease can improve and save the lives of thousands of individuals in the United States each year;

Whereas under the Joint Resolution entitled ''Joint Resolution to provide for the designation of the month of February in each year as 'American Heart Month' '', approved December 30, 1963 (36 U.S.C. 101), Congress requested that the President issue an annual proclamation designating February as ''American Heart Month'';

Whereas the National Heart, Lung, and Blood Institute of the National Institutes of Health, the American Heart Association, and many other organizations celebrate ''National Wear Red Day'' during February by ''going red'' to increase awareness about heart disease as the leading killer of women; and

Whereas, every year since 1964, the President has issued a proclamation designating the month of February as ''American Heart Month'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''American Heart Month'' and ''National Wear Red Day'';

(2) recognizes and reaffirms the commitment in the United States to fighting heart disease and stroke by—

(A) promoting awareness about the causes, risks, and prevention of heart disease and stroke;

(B) supporting research on heart disease and stroke; and

(C) expanding access to medical treatment;

(3) commends the efforts of States, territories and possessions of the United States, localities, nonprofit organizations, businesses and other entities, and the people of the United States who support ''American Heart Month'' and ''National Wear Red Day''; and

(4) encourages every individual in the United States to learn about the risk of the individual for heart disease.

SENATE RESOLUTION 366—RECOGNIZING THE CULTURAL AND HISTORICAL SIGNIFICANCE OF LUNAR NEW YEAR

Mr. COONS (for himself, Ms. HIRONO, Mr. REID, Mr. KIRK, and Mr. RUBIO) submitted the following resolution; which was considered and agreed to:

S. RES. 366

Whereas Lunar New Year begins on the second new moon following the winter solstice, or the first day of the new year according to the lunisolar calendar, and extends until the full moon 15 days later;

Whereas February 8, 2016, marks the first day of Lunar New Year for calendar year 2016;

Whereas the 15th day of the new year, according to the lunisolar calendar, is called the Lantern Festival;

Whereas Lunar New Year is often referred to as ''Spring Festival'' in various Asian countries;

Whereas many religious and ethnic communities use lunar-based calendars;

Whereas Lunar New Year began in China more than 4,000 years ago and is widely celebrated in East and Southeast Asia;

Whereas the Asian diaspora has expanded the Lunar New Year celebration into an annual worldwide event;

Whereas Lunar New Year is celebrated by millions of Asian Americans, and by many non-Asian Americans, in the United States;

Whereas Lunar New Year is celebrated with community activities and cultural performances;

Whereas participants celebrating Lunar New Year travel to spend the holiday reuniting with family and friends; and

Whereas Lunar New Year is traditionally a time to wish others good fortune, health, prosperity, and happiness: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the cultural and historical significance of Lunar New Year;

(2) in observance of Lunar New Year, expresses its deepest respect for Asian Americans and all individuals throughout the world who celebrate this significant occasion; and

(3) wishes Asian Americans and all individuals who observe this holiday a happy and prosperous new year.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3291. Mr. CASSIDY (for himself, Ms. MURKOWSKI, Mr. WARNER, Mr. SCOTT, Mr. KAINE, Mr. TILLIS, Mr. SULLIVAN, 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.

SA 3292. Mr. REID (for Mrs. SHAHEEN) 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 3293. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill H.R. 757, to improve the enforcement of sanctions against the Government of North Korea, and for other purposes; which was ordered to lie on the table.

SA 3294. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill H.R. 757, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3291. Mr. CASSIDY (for himself, Ms. MURKOWSKI, Mr. WARNER, Mr. SCOTT, Mr. KAINE, Mr. TILLIS, Mr. SULLIVAN, 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 end of subtitle B of title III, add the following:

SEC. 3105. OIL AND GAS.

(a) DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES TO GULF PRODUCING STATES.—Section 105(f) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues described in section 102(9)(A)(ii) that are made available under subsection (a)(2) shall not exceed—

''(A) for each of fiscal years 2017 through 2026, $500,000,000;

''(B) for each of fiscal years 2027 through 2031, $999,000,000; and

''(C) for each of fiscal years 2032 through 2055, $500,000,000.''.

(b) DISTRIBUTION OF REVENUE TO ALASKA.—Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) by striking ''All rentals,'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), all rentals,''; and

(2) by adding at the end the following:

''(b) DISTRIBUTION OF REVENUE TO ALASKA.—

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

''(A) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a county-equivalent or municipal subdivision of the State—

''(i) all or part of which lies within the coastal zone of the State (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)); and

''(ii)(I) the closest coastal point of which is not more than 200 nautical miles from the geographical center of any leased tract in the Alaska outer Continental Shelf region; or

''(II)(aa) the closest point of which is more than 200 nautical miles from the geographical center of a leased tract in the Alaska outer Continental Shelf region; and

''(bb) that is determined by the State to be a significant staging area for oil and gas servicing, supply vessels, operations, suppliers, or workers.

''(B) QUALIFIED REVENUES.—

''(i) IN GENERAL.—The term 'qualified revenues' means all revenues derived from all rentals, royalties, bonus bids, and other sums due and payable to the United States from energy development in the Alaska outer Continental Shelf region.

''(ii) EXCLUSIONS.—The term 'qualified revenues' does not include revenues generated from leases subject to section 8(g).

''(C) STATE.—The term 'State' means the State of Alaska.

''(2) FISCAL YEARS 2027–2031.—For each of fiscal years 2027 through 2031, the Secretary shall deposit—

''(A) 62.5 percent of qualified revenues in the general fund of the Treasury, of which 12.5 percent shall be allocated to the Tribal Resilience Fund established by section 3105(e) of the Energy Policy Modernization Act of 2016;

''(B) 28 percent of qualified revenues in a special account in the Treasury, to be distributed by the Secretary to the State;

''(C) 7.5 percent of qualified revenues in a special account in the Treasury, to be distributed by the Secretary to coastal political subdivisions; and

''(D) 2 percent of qualified revenues in the general account of the Denali Commission.

''(3) ALLOCATION AMONG COASTAL POLITICAL SUBDIVISIONS.—Of the amount paid by the Secretary to coastal political subdivisions under paragraph (2)(C)—

''(A) 90 percent shall be allocated in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point in each coastal political subdivision that is closest to the geographic center of the applicable leased tract and not more than 200 miles from the geographic center of the leased tract; and

''(B) 10 percent shall be divided equally among each coastal political subdivision that—

''(i) is more than 200 nautical miles from the geographic center of a leased tract; and

''(ii) the State of Alaska determines to be a significant staging area for oil and gas servicing, supply vessels, operations, suppliers, or workers.

''(4) TIMING.—The amounts required to be deposited under paragraph (2) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

''(5) ADMINISTRATION.—Amounts made available under paragraph (2) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under any other provision of law.''.

(c) DISPOSITION OF REVENUES TO ATLANTIC STATES.—Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) (as amended by subsection (b)) is amended by adding at the end the following:

''(c) DISTRIBUTION OF REVENUE TO ATLANTIC STATES.—

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

''(A) ATLANTIC STATE.—The term 'Atlantic State' means any of the following States, which are adjacent to the South Atlantic planning area:

''(i) Georgia.

''(ii) North Carolina.

''(iii) South Carolina.

''(iv) Virginia.

''(B) QUALIFIED REVENUES.—

''(i) IN GENERAL.—The term 'qualified revenues' means all revenues derived from all rentals, royalties, bonus bids, and other sums due and payable to the United States from energy development in the Atlantic planning region.

''(ii) EXCLUSIONS.—The term 'qualified revenues' does not include revenues generated from leases subject to section 8(g).

''(C) SOUTH ATLANTIC PLANNING AREA.—The term 'South Atlantic planning area' means the area of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) that is located between the northern lateral seaward administrative boundary of the Commonwealth of Virginia and the southernmost lateral seaward administrative boundary of the State of Georgia.

''(2) DEPOSIT.—For each of fiscal years 2027 through 2031, the Secretary shall deposit—

''(A) 62.5 percent of any qualified revenues in the general fund of the Treasury, of which 12.5 percent shall be split equally among, and allocated to, or deposited in, as applicable—

''(i) programs for energy efficiency, renewable energy, and nuclear energy at the Department of Energy;

''(ii) the National Park Service Critical Maintenance and Revitalization Conservation Fund established by section 104908 of title 54, United States Code, for use in accordance with subsection (d) of that section; and

''(iii) the Secretary of Transportation to administer and award TIGER discretionary grants; and

''(B) 37.5 percent of any qualified revenues in a special account in the Treasury from which the Secretary shall disburse amounts to the Atlantic States in accordance with paragraph (3).

''(3) ALLOCATION TO STATES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), effective for fiscal year 2027 and each fiscal year thereafter, the Secretary of the Treasury shall allocate the qualified revenues described in paragraph (2)(B) to each Atlantic State in amounts (based on a formula established by the Secretary, by regulation) that are inversely proportional to the respective distances between—

''(i) the point on the coastline of each Atlantic State that is closest to the geographical center of the applicable leased tract; and

''(ii) the geographical center of that leased tract.

''(B) MINIMUM ALLOCATION.—The amount allocated to an Atlantic State for each fiscal year under subparagraph (A) shall be not less than 10 percent of the amounts available under paragraph (2)(B).

''(C) STATE ALLOCATION.—Of the amounts received by a State under subparagraph (A), the Atlantic State may use, at the discretion of the Governor of the State—

''(i) 10 percent—

''(I) to enhance State land and water conservation efforts;

''(II) to improve State public transportation projects;

''(III) to establish alternative, renewable, and clean energy production and generation within each State; and

''(IV) to enhance beach nourishment and costal dredging; and

''(ii) 2.5 percent to enhance geological and geophysical education for the energy future of the United States.

''(4) TIMING.—The amounts required to be deposited under paragraph (2) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.''.

(d) TRIBAL RESILIENCE PROGRAM.—

(1) DEFINITION OF INDIAN TRIBE.—In this subsection, 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).

(2) ESTABLISHMENT.—The Secretary shall establish a program—

(A) to improve the resilience of Indian tribes to the effects of a changing climate;

(B) to support Native American leaders in building strong, resilient communities; and

(C) to ensure the development of modern, cost-effective infrastructure.

(3) GRANTS.—Subject to the availability of appropriations and amounts in the Tribal Resilience Fund established by subsection (e)(1), in carrying out the program described in paragraph (2), the Secretary shall make adaptation grants, in amounts not to exceed $200,000,000 total per fiscal year, to Indian tribes for eligible activities described in paragraph (4).

(4) ELIGIBLE ACTIVITIES.—An Indian tribe receiving a grant under paragraph (3) may only use grant funds for 1 or more of the following eligible activities:

(A) Development and delivery of adaptation training.

(B) Adaptation planning, vulnerability assessments, emergency preparedness planning, and monitoring.

(C) Capacity building through travel support for training, technical sessions, and cooperative management forums.

(D) Travel support for participation in ocean and coastal planning.

(E) Development of science-based information and tools to enable adaptive resource management and the ability to plan for resilience.

(F) Relocation of villages or other communities experiencing or susceptible to coastal or river erosion.

(G) Construction of infrastructure to support emergency evacuations.

(H) Restoration or repair of infrastructure damaged by melting permafrost or coastal or river erosion.

(I) Installation and management of energy systems that reduce energy costs and greenhouse gas emissions compared to the energy systems in use before that installation and management.

(J) Construction and maintenance of social or cultural infrastructure that the Secretary determines supports resilience.

(5) APPLICATIONS.—An Indian tribe desiring an adaptation grant under paragraph (3) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the eligible activities to be undertaken using the grant.

(6) CAPITAL PROJECTS.—Of amounts made available to carry out this program, not less than 90 percent shall be used for the engineering, design, and construction or implementation of capital projects.

(7) INTERAGENCY COOPERATION.—The Secretary and the Administrator of the Environmental Protection Agency shall establish under the White House Council on Native American Affairs an interagency subgroup on tribal resilience—

(A) to work with Indian tribes to collect and share data and information, including traditional ecological knowledge, about how the effects of a changing climate are relevant to Indian tribes and Alaska Natives; and

(B) to identify opportunities for the Federal Government to improve collaboration and assist with adaptation and mitigation efforts that promote resilience.

(8) TRIBAL RESILIENCE LIAISON.—The Secretary shall establish a tribal resilience liaison—

(A) to coordinate with Indian tribes and relevant Federal agencies; and

(B) to help ensure tribal engagement in climate conversations at the Federal level.

(e) TRIBAL RESILIENCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the ''Tribal Resilience Fund'' (referred to in this subsection as the ''Fund'').

(2) DEPOSITS.—The Fund shall consist of the following:

(A) Amounts made available through an appropriation Act for deposit in the Fund.

(B) Amounts deposited into the Fund under subsection (b)(2)(A) of section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) (as added by subsection (b)(2)).

(3) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In addition to the amounts estimated by the Secretary to be deposited in the Fund under paragraph (2), there are authorized to be appropriated annually to the Fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the Fund not more than $200,000,000 for fiscal year 2027 and each fiscal year thereafter.

(B) AVAILABILITY OF DEPOSITS.—

(i) IN GENERAL.—Amounts deposited in the Fund under this paragraph shall remain available until expended, without fiscal year limitation.

(ii) USE.—Amounts deposited in the Fund under this paragraph and made available for obligation or expenditure from the Fund may be obligated or expended only to carry out the Tribal Resilience Program under subsection (d).

(f) EFFECT.—Nothing in this section or an amendment made by this section opens for leasing any area on the outer Continental Shelf that is subject to a moratorium under section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

SA 3292. Mr. REID (for 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 II, add the following:

Subtitle F—Heat Efficiency Through Applied Technology

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the ''Heat Efficiency through Applied Technology Act'' or the ''HEAT Act''.

SEC. 2502. FINDINGS.

Congress finds that—

(1) combined heat and power technology, also known as cogeneration, is a technology that efficiently produces electricity and thermal energy at the point of use of the technology;

(2) by combining the provision of both electricity and thermal energy in a single step, combined heat and power technology makes significantly more-efficient use of fuel, as compared to separate generation of heat and power, which has significant economic and environmental advantages;

(3) waste heat to power is a technology that captures heat discarded by an existing industrial process and uses that heat to generate power with no additional fuel and no incremental emissions, reducing the need for electricity from other sources and the grid, and any associated emissions;

(4) waste heat or waste heat to power is considered renewable energy in 17 States;

(5)(A) a 2012 joint report by the Department of Energy and the Environmental Protection Agency estimated that by achieving the national goal outlined in Executive Order 13624 (77 Fed. Reg. 54779) (September 5, 2012) of deploying 40 gigawatts of new combined heat and power technology by 2020, the United States would increase the total combined heat and power capacity of the United States by 50 percent in less than a decade; and

(B) additional efficiency would—

(i) save 1,000,000,000,000,000 BTUs of energy; and

(ii) reduce emissions by 150,000,000 metric tons of carbon dioxide annually, a quantity equivalent to the emissions from more than 25,000,000 cars;

(6) a 2012 report by the Environmental Protection Agency estimated the amount of waste heat available at a temperature high enough for power generation from industrial and nonindustrial applications represents an additional 10 gigawatts of electric generating capacity on a national basis;

(7) distributed energy generation, including through combined heat and power technology and waste heat to power technology, has ancillary benefits, such as—

(A) removing load from the electricity distribution grid; and

(B) improving the overall reliability of the electricity distribution system; and

(8)(A) a number of regulatory barriers impede broad deployment of combined heat and power technology and waste heat to power technology; and

(B) a 2008 study by Oak Ridge National Laboratory identified interconnection issues, regulated fees and tariffs, and environmental permitting as areas that could be streamlined with respect to the provision of combined heat and power technology and waste heat to power technology.

SEC. 2503. UPDATING OUTPUT-BASED EMISSIONS STANDARDS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMBINED HEAT AND POWER TECHNOLOGY.—The term ''combined heat and power technology'' means the 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.

(3) OUTPUT-BASED EMISSION STANDARD.—The term ''output-based emission standard'' means a standard that relates emissions to the electrical, thermal, or mechanical productive output of a device or process rather than the heat input of fuel burned or pollutant concentration in the exhaust.

(4) QUALIFIED WASTE HEAT RESOURCE.—

(A) IN GENERAL.—The term ''qualified waste heat resource'' means—

(i) exhaust heat or flared gas from any industrial process;

(ii) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

(iii) a pressure drop in any gas for an industrial or commercial process; or

(iv) any other form of waste heat resource as the Secretary may determine.

(B) EXCLUSION.—The term ''qualified waste heat resource'' does not include a heat resource from a process the primary purpose of which is the generation of electricity using a fossil fuel.

(5) STATE.—The term ''State'' has the meaning given that term in section 302 of the Clean Air Act (42 U.S.C. 7602).

(6) WASTE HEAT TO POWER TECHNOLOGY.—The term ''waste heat to power technology'' means a system that generates electricity through the recovery of a qualified waste heat resource.

(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program under which the Administrator shall provide to each State that elects to participate and that submits an application under subsection (c) a grant for use by the State in accordance with subsection (d).

(c) APPLICATION.—To be eligible to receive a grant under this section, a State shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use a grant provided under this section—

(A) to update any applicable State or local air permitting regulations under this subtitle to incorporate environmental regulations relating to output-based emissions in accordance with relevant guidelines developed by the Administrator under paragraph (2); or

(B) if the State has already updated all applicable State and local permitting regulations to incorporate those output-based emissions environmental regulations, to expedite the processing of relevant power generation permit applications under this subtitle.

(2) GUIDELINES.—As soon as practicable after the date of enactment of this Act, the Administrator shall publish guidelines for updating State and local permitting regulations under this subtitle that—

(A) provide credit, in the calculation of the emission rate of the facility, for any thermal energy produced by combined heat and power technology or waste heat to power technology; and

(B) apply only to generation units that produce 5 megawatts of electrical energy or less.

(e) MAXIMUM AMOUNT.—The amount of a grant provided under this section shall not exceed $100,000.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $5,000,000.

SEC. 2504. UPDATED INTERCONNECTION PROCEDURES AND TARIFF SCHEDULE; SUPPLEMENTAL, BACKUP, AND STANDBY POWER FEES OR RATES.

Section 205(a) of the Federal Power Act (16 U.S.C. 824d(a)) is amended—

(1) by striking ''(a) All rates'' and inserting the following:

''(a) RATES AND CHARGES.—

''(1) IN GENERAL.—All rates''; and

(2) by adding at the end the following:

''(2) ESTABLISHMENT OF CERTAIN GUIDANCE AND STANDARDS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) NONREGULATED ELECTRIC UTILITY.—The term 'nonregulated electric utility' means any electric utility other than a State-regulated electric utility.

''(ii) STATE REGULATORY AUTHORITY.—The term 'State regulatory authority' means—

''(I) any State agency that has ratemaking authority with respect to the sale of electric energy by any electric utility (other than the State agency); and

''(II) in the case of an electric utility with respect to which the Tennessee Valley Authority has ratemaking authority, the Tennessee Valley Authority.

''(iii) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(iv) OTHER TERMS.—The terms 'combined heat and power technology' and 'waste heat to power technology' have the meanings given those terms in section 2503(a) of the Heat Efficiency through Applied Technology Act.

''(B) GUIDANCE AND STANDARDS.—

''(i) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consultation with the Commission and other appropriate agencies, shall establish—

''(I) for generation with nameplate capacity up to 20 megawatts using all fuels—

''(aa) guidance for technical interconnection standards that ensure interoperability with existing Federal interconnection rules;

''(bb) model interconnection procedures, including appropriate fast-track procedures; and

''(cc) model rules for determining and assigning interconnection costs; and

''(II) model rules and procedures for determining fees or rates for supplementary power, backup or standby power, maintenance power, and interruptible power supplied to facilities that operate combined heat and power technology and waste heat to power technology that appropriately allow for adequate cost recovery by an electric utility but are not excessive.

''(ii) REQUIREMENT.—The standards established under clause (i)(I) shall reflect, to the maximum extent practicable, current best practices (as demonstrated in model codes and rules adopted by States) to encourage the use of distributed generation (such as combined heat and power technology and waste heat to power technology) while ensuring the safety and reliability of the interconnected units and the distribution and transmission networks to which the units connect.

''(iii) FACTORS FOR CONSIDERATION.—In establishing model standards, rules, and procedures under clause (i), the Secretary shall take into consideration—

''(I) for the model standards established under clause (i)(I), the appropriateness of using standards or procedures that vary based on unit size, fuel type, or other relevant characteristics; and

''(II) for the model rules and procedures established under clause (i)(II)—

''(aa) the best practices that are used to model outage assumptions and contingencies to determine the fees or rates;

''(bb) the appropriate duration, magnitude, or usage of demand charge ratchets;

''(cc) the benefits to the utility and ratepayers, such as increased reliability, fuel diversification, enhanced power quality, and reduced electric losses from the use of combined heat and power technology and waste heat to power technology by a qualifying facility; and

''(dd) alternative arrangements to the purchase of supplementary, backup, or standby power by the owner of combined heat and power technology and waste heat to power technology generating units if the alternative arrangements do not compromise system reliability and are nondiscretionary and nonpreferential.

''(C) DETERMINATION BY STATES AND UTILITIES.—

''(i) IN GENERAL.—Not later than 90 days after the date on which the Secretary completes the standards required under subparagraph (B), each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall—

''(I)(aa) take into consideration each standard established by subparagraph (B); and

''(bb) make a determination concerning whether it is appropriate to implement that standard; or

''(II) set a hearing date for consideration under subclause (I).

''(ii) PROCEDURAL REQUIREMENTS.—

''(I) CONSIDERATION.—The consideration under clause (i) shall be made after public notice and hearing.

''(II) DETERMINATION.—A determination under clause (i)(I)(bb) shall be made—

''(aa) in writing;

''(bb) based on findings included in the determination and evidence presented at an applicable hearing; and

''(cc) available to the public.

''(iii) DEADLINE FOR COMPLIANCE.—Not later than 2 years after the date on which the Secretary completes the standards required under subparagraph (B), each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) and each nonregulated electric utility shall—

''(I) complete the consideration under clause (i);

''(II) make the determination referred to in clause (i)(I)(bb) with respect to each standard established under subparagraph (B); and

''(III) submit to the Secretary and the Commission a report describing the updated plans of the State regulatory authority regarding, as applicable—

''(aa) interconnection procedures and tariff schedules that reflect best practices to encourage the use of distributed generation; or

''(bb) supplemental, backup, and standby power fees that reflect best practices to encourage the use of distributed generation.

''(iv) EFFECT OF PARAGRAPH.—Nothing in this paragraph prohibits any State regulatory authority or nonregulated electric utility from making a determination pursuant to this subparagraph that it is not appropriate to implement a standard or any other applicable State law.

''(D) IMPLEMENTATION.—

''(i) IN GENERAL.—The State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility, to the extent consistent with otherwise applicable State law, may—

''(I) implement any standard determined under subparagraph (C) to be appropriate; or

''(II) decline to implement any such standard.

''(ii) DECISION NOT TO IMPLEMENT.—If a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility declines to implement a standard pursuant to clause (i)(II), the authority or nonregulated electric utility shall publish a notice describing the reasons for that decision.

''(iii) PRIOR STATE ACTIONS.—Clause (ii) and subparagraph (C)(ii) shall not apply to a standard established under subparagraph (B) in the case of any electric utility in a State if, before the date of enactment of this paragraph—

''(I) the State has implemented for the electric utility the standard (or a comparable standard);

''(II) the State regulatory authority for the State, or the relevant nonregulated electric utility, has conducted a proceeding after December 31, 2013, to consider implementation of the standard (or a comparable standard) for the electric utility; or

''(III) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility.''.

SA 3293. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill H.R. 757, to improve the enforcement of sanctions against the Government of North Korea, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 106. SEMIANNUAL REPORT ON IRAN AND NORTH KOREA NUCLEAR COOPERATION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President, in coordination with the Secretary of Defense, the Secretary of State, and the heads of other relevant agencies, shall submit to the appropriate committees of Congress a report on nuclear cooperation between the Government of Iran and the Government of the Democratic People's Republic of North Korea, including the identity of Iranian and North Korean persons that have knowingly engaged in or directed the provision of material support or the exchange of information between the Government of Iran and the Government of the Democratic People's Republic of North Korea on their respective nuclear programs.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 3294. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill H.R. 757, to improve the enforcement of sanctions against the Government of North Korea, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 106. SEMIANNUAL REPORT ON IRAN AND NORTH KOREA NUCLEAR AND BALLISTIC MISSILE COOPERATION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President, in coordination with the Secretary of Defense, the Secretary of State, and the heads of other relevant agencies, shall submit to the appropriate committees of Congress a report on nuclear and ballistic missile cooperation between the Government of Iran and the Government of the Democratic People's Republic of North Korea, including the identity of Iranian and North Korean persons that have knowingly engaged in or directed the provision of material support or the exchange of information between the Government of Iran and the Government of the Democratic People's Republic of North Korea on their respective nuclear programs.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from Delaware, Mr. COONS, to read Washington's Farewell Address on Monday, February 22, 2016.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Tuesday, February 9, at 2:15 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 464; that the Senate vote without intervening action or debate on the nomination; that if confirmed, 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.

RECOGNIZING THE CULTURAL AND HISTORICAL SIGNIFICANCE OF LUNAR NEW YEAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 366, 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. 366) recognizing the cultural and historical significance of Lunar New Year.

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. 366) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR TUESDAY, FEBRUARY, 9, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. tomorrow, Tuesday, February 9; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; finally, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly conference meetings.

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

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Tuesday, February 9, 2016, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 08, 2016:

THE JUDICIARY

REBECCA GOODGAME EBINGER, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA.