

country in which individuals of all backgrounds have and continue to make positive contributions to the well-being and security of our Nation. It is important to speak out against hateful rhetoric and divisive policy proposals that prey on people's fears and instead promote our American values that are rooted in compassion, respect for others, justice, and equality.

I am joined today in the Gallery by advocates from the Asian American and Pacific Islander and Muslim communities. Mahalo to all of you for the work you do every day to advance equality, liberty, and justice for all. These values are the strength of America.

Let's stand together in solidarity, that in this new century, we will not give in to old fears, old prejudices, and unjustified actions.

**SENATE RESOLUTION 374—RELATING TO THE DEATH OF ANTONIN SCALIA, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES**

Mr. MCCONNELL (for himself, Mr. REID, Mr. GRASSLEY, Mr. LEAHY, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was ordered held at the desk:

S. RES. 374

Whereas Antonin Scalia, the late Associate Justice of the Supreme Court of the United States, was born in Trenton, New Jersey, to Salvatore Eugene Scalia and Catherine Panaro Scalia and raised in Queens, New York;

Whereas Antonin Scalia enrolled in Georgetown University, where he graduated valedictorian and summa cum laude and earned a bachelor's degree in history;

Whereas Antonin Scalia graduated magna cum laude from Harvard Law School, where he was a notes editor for the Harvard Law Review;

Whereas Antonin Scalia married Maureen McCarthy, with whom he raised 9 children, Ann, Eugene, John, Catherine, Mary Claire, Paul, Matthew, Christopher, and Margaret;

Whereas Antonin Scalia was an accomplished attorney in Cleveland, Ohio, and a law professor at the University of Virginia and the University of Chicago;

Whereas President Richard Nixon selected Antonin Scalia to be General Counsel for the Office of Telecommunications Policy;

Whereas Antonin Scalia served as chairman of the Administrative Conference of the United States;

Whereas President Richard Nixon selected Antonin Scalia to be Assistant Attorney General for the Office of Legal Counsel of the Department of Justice, and President Gerald Ford resubmitted the nomination of Antonin Scalia to serve in that position;

Whereas President Ronald Reagan nominated Antonin Scalia to be a judge of the United States Court of Appeals for the District of Columbia Circuit;

Whereas President Ronald Reagan nominated Antonin Scalia to serve as an Associate Justice of the Supreme Court of the United States;

Whereas Antonin Scalia had a profound love for hunting and the arts, in particular opera;

Whereas Antonin Scalia was a man of enormous intellect, incisive analytical skill, and tremendous wit, a combination reflected in the clarity of his judicial opinions;

Whereas the record of Antonin Scalia illustrates a belief in judicial restraint, judicial independence, and the rule of law;

Whereas Antonin Scalia moved public discussion toward a greater appreciation of the text and original meaning of the Constitution as a basis for interpreting the terms of the Constitution;

Whereas Antonin Scalia enforced the separation of powers contained in the Constitution as a bulwark for individual freedom;

Whereas Antonin Scalia raised the level of the quality of oral argument and judicial decisionmaking;

Whereas Antonin Scalia was highly regarded by each of his colleagues, including colleagues with a judicial philosophy that differed from his own;

Whereas Antonin Scalia served with distinction on the Supreme Court for more than 29 years;

Whereas Antonin Scalia was 1 of the most influential and memorable Justices of the Supreme Court of the United States;

Whereas Antonin Scalia was the embodiment of each of the ideal qualities of a judge: fairness, openmindedness, and above all commitment to intellectual rigor in application of the Constitution and the rule of law;

Whereas Antonin Scalia will be remembered as 1 of the great Justices of the Supreme Court of the United States;

Whereas Antonin Scalia passed away on February 13, 2016; and

Whereas the nation is deeply indebted to Antonin Scalia, a truly distinguished individual of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) extends heartfelt sympathy to the family and friends of Antonin Scalia;

(2) acknowledges the lifetime of service of Antonin Scalia to the United States as a talented attorney, a learned law professor, a dedicated public servant, a brilliant jurist, and 1 of the great Justices of the Supreme Court of the United States; and

(3) commends Antonin Scalia for the 29-year tenure on the Supreme Court of the United States.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 3312. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table.

SA 3313. Ms. CANTWELL (for herself, Mr. GRAHAM, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3314. Mr. KIRK (for himself, Mr. COONS, and Mr. DURBIN) 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 3315. Ms. COLLINS (for herself, Mr. COONS, Mr. REED, and 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 3316. 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 3317. Mr. HEINRICH (for himself, Mr. UDALL, Mr. GARDNER, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3318. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3319. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3320. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3321. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3322. Mr. BROWN (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3323. Ms. STABENOW (for herself, Mr. INHOFE, Mr. PETERS, Mr. PORTMAN, Mr. BROWN, Mr. KIRK, Mr. REED, Mr. BURR, Mr. DURBIN, Mrs. BOXER, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 4470, to amend the Safe Drinking Water Act with respect to the requirements related to lead in drinking water, and for other purposes; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 3312.** Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms.

MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CLEAN ENERGY VICTORY BONDS.**

(a) IN GENERAL.—Not later than July 1, 2016, the Secretary of the Treasury, in coordination with the Secretary of Energy and the Secretary of Defense, shall submit a report to Congress that provides recommendations for the establishment, issuance, and promotion of Clean Energy Victory Bonds by the Department of the Treasury (referred to in this section as the “Clean Energy Victory Bonds Program”).

(b) REQUIREMENTS.—For purposes of subsection (a), the Clean Energy Victory Bonds Program shall be designed to—

(1) ensure that any available proceeds from the issuance of Clean Energy Victory Bonds are used to finance clean energy projects (as defined in subsection (c)) at the Federal, State, and local level, which may include—

(A) providing additional support to existing Federal financing programs available to States for energy efficiency upgrades and clean energy deployment, and

(B) providing funding for clean energy investments by the Department of Defense and other Federal agencies,

(2) provide for payment of interest to persons holding Clean Energy Victory Bonds through such methods as are determined appropriate by the Secretary of the Treasury, including amounts—

(A) recaptured from savings achieved through reduced energy spending by entities receiving any funding or financial assistance described in paragraph (1), and

(B) collected as interest on loans financed or guaranteed under the Clean Energy Victory Bonds Program,

(3) issue bonds in denominations of not less than \$25 or such amount as is determined appropriate by the Secretary of the Treasury to make them generally accessible to the public, and

(4) collect not more than \$50,000,000,000 in revenue from the issuance of Clean Energy Victory Bonds for purposes of financing clean energy projects described in paragraph (1).

(c) CLEAN ENERGY PROJECT.—The term “clean energy project” means a project which provides—

(1) performance-based energy efficiency improvements, or

(2) clean energy improvements, including—

(A) electricity generated from solar, wind, geothermal, hydropower, and hydrokinetic energy sources,

(B) fuel cells using non-fossil fuel sources,

(C) advanced batteries,

(D) next generation biofuels from non-food feedstocks, and

(E) electric vehicle infrastructure.

**SA 3313.** Ms. CANTWELL (for herself, Mr. GRAHAM, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 42 \_\_\_\_ . SENSE OF THE SENATE ON ACCELERATING ENERGY INNOVATION.**

It is the sense of the Senate that—

(1) although important progress has been made in cost reduction and deployment of clean energy technologies, accelerating clean energy innovation will help meet critical competitiveness, energy security, and environmental goals;

(2) accelerating the pace of clean energy innovation in the United States calls for—

(A) supporting existing research and development programs at the Department and the world-class National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); and

(B) exploring and developing new pathways for innovators, investors, and decision-makers to leverage the resources of the Department for addressing the challenges and comparative strengths of geographic regions;

(3) the energy supply, demand, policies, markets, and resource options of the United States vary by geographic region;

(4) a regional approach to innovation can bridge the gaps between local talent, institutions, and industries to identify opportunities and convert United States investment into domestic companies; and

(5) Congress and the Secretary should advance efforts that promote international, domestic, and regional cooperation on the research and development of energy innovations that—

(A) provide clean, affordable, and reliable energy for everyone;

(B) promote economic growth; and

(C) are critical for energy security.

**SA 3314.** Mr. KIRK (for himself, Mr. COONS, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike line 7 and insert the following:

**SEC. 4204. AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.**

(a) DEFINITION OF NATIONAL LABORATORY.—In this section:

(1) IN GENERAL.—The term “National Laboratory” means a nonmilitary national laboratory owned by the Department.

(2) INCLUSIONS.—The term “National Laboratory” includes—

(A) Ames Laboratory;

(B) Argonne National Laboratory;

(C) Brookhaven National Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Idaho National Laboratory;

(F) Lawrence Berkeley National Laboratory;

(G) National Energy Technology Laboratory;

(H) National Renewable Energy Laboratory;

(I) Oak Ridge National Laboratory;

(J) Pacific Northwest National Laboratory;

(K) Princeton Plasma Physics Laboratory;

(L) Savannah River National Laboratory;

(M) Stanford Linear Accelerator Center;

(N) Thomas Jefferson National Accelerator Facility; and

(O) any laboratory operated by the National Nuclear Security Administration, with respect to the civilian energy activities conducted at the laboratory.

(b) AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out the Agreements for Commercializing Technology pilot program of the Department, as announced by the Secretary on December 8, 2011, in accordance with this subsection.

(2) TERMS.—Each agreement entered into pursuant to the pilot program referred to in paragraph (1) shall provide to the contractor of the applicable National Laboratory, to the maximum extent determined to be appropriate by the Secretary, increased authority to negotiate contract terms, such as intellectual property rights, indemnification, payment structures, performance guarantees, and multiparty collaborations.

(3) ELIGIBILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law (including regulations), any National Laboratory may enter into an agreement pursuant to the pilot program referred to in paragraph (1).

(B) AGREEMENTS WITH NON-FEDERAL ENTITIES.—To carry out subparagraph (A) and subject to subparagraph (C), the Secretary shall permit the directors of the National Laboratories to execute agreements with non-Federal entities, including non-Federal entities already receiving Federal funding that will be used to support activities under agreements executed pursuant to subparagraph (A).

(C) RESTRICTION.—The requirements of chapter 18 of title 35, United States Code (commonly known as the “Bayh-Dole Act”) shall apply if—

(i) the agreement is a funding agreement (as that term is defined in section 201 of that title); and

(ii) at least 1 of the parties to the funding agreement is eligible to receive rights under that chapter.

(4) SUBMISSION TO SECRETARY.—Each affected director of a National Laboratory shall submit to the Secretary, with respect to each agreement entered into under this subsection—

(A) a summary of information relating to the relevant project;

(B) the total estimated costs of the project;

(C) estimated commencement and completion dates of the project; and

(D) other documentation determined to be appropriate by the Secretary.

(5) CERTIFICATION.—The Secretary shall require the contractor of the affected National Laboratory to certify that each activity carried out under a project for which an agreement is entered into under this subsection—

(A) is not in direct competition with the private sector; and

(B) does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this subsection.

(6) EXTENSION.—The pilot program referred to in paragraph (1) shall be extended for a term of 3 years after the date of enactment of this Act.

(7) REPORTS.—

(A) INITIAL REPORT.—Not later than 60 days after the date described in paragraph (6), the Secretary, in coordination with directors of the National Laboratories, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that—

(i) assesses the overall effectiveness of the pilot program referred to in paragraph (1);

(ii) identifies opportunities to improve the effectiveness of the pilot program;

(iii) assesses the potential for program activities to interfere with the responsibilities of the National Laboratories to the Department; and

(iv) provides a recommendation regarding the future of the pilot program.

(B) ANNUAL REPORTS.—Annually, the Secretary, in coordination with the directors of the National Laboratories, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on

Science, Space, and Technology of the House of Representatives a report that accounts for all incidences of, and provides a justification for, non-Federal entities using funds derived from a Federal contract or award to carry out agreements entered into under this subsection.

(c) SAVINGS CLAUSE.—Nothing in this section abrogates or otherwise affects the primary responsibilities of any National Laboratory to the Department.

**SEC. 4205. MICROLAB TECHNOLOGY COMMERCIALIZATION.**

**SA 3315.** Ms. COLLINS (for herself, Mr. COONS, Mr. REED, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, lines 3 and 4, strike “not less than”.

**SA 3316.** 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 subtitle D of title II, add the following:

**SEC. 23 . MODEL GUIDANCE FOR COMBINED HEAT AND POWER SYSTEMS AND WASTE HEAT TO POWER SYSTEMS.**

(a) DEFINITIONS.—In this section:

(1) ADDITIONAL SERVICES.—The term “additional services” means the provision of supplementary power, backup or standby power, maintenance power, or interruptible power to an electric consumer by an electric utility.

(2) WASTE HEAT TO POWER SYSTEM.—

(A) IN GENERAL.—The term “waste heat to power system” means a system that generates electricity through the recovery of waste energy.

(B) EXCLUSION.—The term “waste heat to power system” does not include a system that generates electricity through the recovery of a heat resource from a process the primary purpose of which is the generation of electricity using a fossil fuel.

(3) OTHER TERMS.—

(A) PURPA.—The terms “electric consumer”, “electric utility”, “interconnection service”, “nonregulated electric utility”, and “State regulatory authority” have the meanings given those terms in the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), within the meaning of title I of that Act (16 U.S.C. 2611 et seq.).

(B) EPCA.—The terms “combined heat and power system” and “waste energy” have the meanings given those terms in section 371 of the Energy Policy and Conservation Act (42 U.S.C. 6341).

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall review existing rules and procedures relating to interconnection service and additional services throughout the United States for electric generation with nameplate capacity up to 20 megawatts to identify barriers to the deployment of combined heat and power systems and waste heat to power systems.

(2) INCLUSION.—The review under this subsection shall include a review of existing rules and procedures relating to—

(A) determining and assigning costs of interconnection service and additional services; and

(B) ensuring adequate cost recovery by an electric utility for interconnection service and additional services.

(c) MODEL GUIDANCE.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall issue model guidance for interconnection service and additional services for use by State regulatory authorities and nonregulated electric utilities to reduce the barriers identified under subsection (b)(1).

(2) CURRENT BEST PRACTICES.—The model guidance issued under this subsection shall reflect, to the maximum extent practicable, current best practices to encourage the deployment of combined heat and power systems and waste heat to power systems while ensuring the safety and reliability of the interconnected units and the distribution and transmission networks to which the units connect, including—

(A) relevant current standards developed by the Institute of Electrical and Electronic Engineers; and

(B) model codes and rules adopted by—

(i) States; or

(ii) associations of State regulatory agencies.

(3) FACTORS FOR CONSIDERATION.—In establishing the model guidance under this subsection, the Secretary shall take into consideration—

(A) the appropriateness of using standards or procedures for interconnection service that vary based on unit size, fuel type, or other relevant characteristics;

(B) the appropriateness of establishing fast-track procedures for interconnection service;

(C) the value of consistency with Federal interconnection rules established by the Federal Energy Regulatory Commission as of the date of enactment of this Act;

(D) the best practices used to model outage assumptions and contingencies to determine fees or rates for additional services;

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

(F) potential alternative arrangements with respect to the procurement of additional services, including—

(i) contracts tailored to individual electric consumers for additional services;

(ii) procurement of additional services by an electric utility from a competitive market; and

(iii) waivers of fees or rates for additional services for small electric consumers; and

(G) outcomes such as increased electric reliability, fuel diversification, enhanced power quality, and reduced electric losses that may result from increased use of combined heat and power systems and waste heat to power systems.

**SA 3317.** Mr. HEINRICH (for himself, Mr. UDALL, Mr. GARDNER, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 42 . RESTORATION OF LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.**

The Secretary shall ensure that laboratory operating contractors do not allocate costs of general and administrative overhead to laboratory directed research and development.

**SA 3318.** Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 42 . RESTORATION OF LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.**

The Secretary shall ensure that the laboratory operating contractors for Lawrence Livermore National Laboratory, Los Alamos National Laboratory, and Sandia National Laboratories do not allocate costs of general and administrative overhead to laboratory directed research and development.

**SA 3319.** Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3017 and insert the following:

**SEC. 3017. WOODY BIO-POWER.**

Section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “this section” and inserting “paragraph (5)”;

(B) in paragraph (2), by striking “this section” and inserting “this subsection”; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting “or to receive any form of Federal assistance under subsection (c)” after “paragraph (1)”;

(ii) in subparagraph (A), by striking “a grant under this section” and inserting “a grant under this subsection or any form of Federal assistance under subsection (c)”;

(2) by redesignating subsection (c) as paragraph (5), and indenting appropriately;

(3) in paragraph (5) (as so redesignated), by striking “this section” and inserting “this subsection”; and

(4) by adding at the end the following:

“(c) WOODY BIO-POWER.—

“(1) DEFINITIONS.—In this subsection:

“(A) WOODY BIOMASS.—The term ‘woody biomass’ means any material derived from trees and brush in forest ecosystems that is considered to be biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))).

“(B) WOODY BIOMASS-DERIVED THERMAL ENERGY.—The term ‘woody biomass-derived thermal energy’ means the use of woody biomass—

“(i) to generate heat; or

“(ii) for cooling purposes.

“(C) WOODY BIO-POWER.—The term ‘woody bio-power’ means the use of woody biomass to generate electricity.

“(2) WOODY BIO-POWER AND WOODY BIOMASS-DERIVED THERMAL ENERGY.—The Secretary shall coordinate research and development

activities relating to woody bio-power and woody biomass-derived thermal energy projects with other departments and agencies of the Federal Government.

“(3) WOODY BIO-POWER AND WOODY BIOMASS-DERIVED THERMAL ENERGY GRANTS.—

“(A) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall establish a program under which the Secretary shall provide grants to support innovation, market development, and expansion for woody bio-power and woody biomass-derived thermal energy in the commercial, institutional, industrial, and residential bioenergy sectors.

“(B) APPLICATIONS.—To be eligible to receive a grant under this paragraph, the owner or operator of a relevant project shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(C) ALLOCATION.—Of the amounts appropriated each fiscal year to carry out this paragraph, the Secretary shall not provide more than—

“(i) \$15,000,000 for projects that develop innovative techniques to preprocess woody biomass for use in woody bio-powered and woody biomass-derived thermal energy and for lowering the costs of—

“(I) distributed preprocessing technologies, including technologies designed to promote densification, torrefaction, and the broader commoditization of bioenergy feedstocks; and

“(II) transportation;

“(ii) \$15,000,000 for woody bio-power and woody biomass-derived thermal development projects, including—

“(I) district energy projects;

“(II) combined heat and power;

“(III) small-scale gasification;

“(IV) innovation in the transportation of woody biomass; and

“(V) projects addressing the challenges of retrofitting existing electricity generation facilities, including coal-fired facilities, to use biomass; and

“(iii) \$5,000,000 for research and development of residential wood heaters towards meeting all targets established by the most recent standards of performance established by the Administrator of the Environmental Protection Agency under section 111 of the Clean Air Act (42 U.S.C. 7411).

“(D) REGIONAL DISTRIBUTION.—In selecting projects to receive grants under this paragraph, the Secretary shall ensure, to the maximum extent practicable, diverse geographical distribution among the projects.

“(E) COST SHARE.—The Federal share of the cost of a project carried out using a grant under this paragraph shall be 50 percent.

“(F) DUTIES OF RECIPIENTS.—As a condition of receiving a grant under this paragraph, the owner or operator of a relevant project shall—

“(i) participate in the applicable working group under subparagraph (G);

“(ii) submit to the Secretary a report that includes—

“(I) a description of the project and any relevant findings; and

“(II) such other information as the Secretary determines to be necessary to complete the report of the Secretary under subparagraph (H); and

“(iii) carry out such other activities as the Secretary determines to be necessary.

“(G) WORKING GROUPS.—The Secretary shall establish 3 working groups to share best practices and collaborate in project implementation, of which—

“(i) 1 shall be comprised of representatives of projects that receive grants under subparagraph (C)(i);

“(ii) 1 shall be comprised of representatives of projects that receive grants under subparagraph (C)(ii); and

“(iii) 1 shall be comprised of representatives of projects that receive grants under subparagraph (C)(iii).

“(H) REPORTS.—Not later than 5 years after the date of enactment of this subsection, the Secretary shall submit to Congress a report describing—

“(i) each project for which a grant has been provided under this paragraph;

“(ii) any findings as a result of those projects; and

“(iii) the state of market and technology development, including market barriers and opportunities.

“(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$35,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

“(4) PROMOTING BIOENERGY IN FEDERAL FACILITIES.—

“(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to fund woody bio-power and woody biomass-derived thermal energy system installations for new or existing Federal facilities \$20,000,000, to remain available until expended.

“(B) CONSULTATION REQUIRED.—The Secretary and the Administrator of General Services shall consult regularly to ensure optimal success of the activities described in subparagraph (A).

“(5) DOE CHP TECHNICAL ASSISTANCE PARTNERSHIPS.—There is authorized to be appropriated to the Secretary to carry out the Combined Heat and Power Technical Assistance Partnerships of the Department \$5,000,000 to increase the capacity and expertise of the Department to provide technical and other assistance for combined heat and power systems that use wood as a fuel source.

“(6) DOE RESEARCH ON SMALL GASIFIER SYSTEMS.—There is authorized to be appropriated to the Secretary \$5,000,000 to assess and develop market opportunities for small gasifiers, turbines, and other small-scale thermal energy and combined heat and power systems that use wood as a fuel source.

“(7) WOOD ENERGY WORKS PROGRAM.—

“(A) IN GENERAL.—Of the amounts appropriated to carry out this paragraph, the Secretary shall grant funding to a non-Federal organization to create and deliver an initiative for the purpose of providing free assistance from the design phase through the construction phase for wood energy projects and education, training, and resources related to the design of wood energy systems for a wide range of building types including mid-rise, multi-residential, commercial, institutional, and industrial buildings.

“(B) REPORTS.—

“(i) IN GENERAL.—A non-Federal organization described in subparagraph (A) shall report quarterly to the Secretary on the progress and accomplishments of the initiative.

“(ii) REPORT TO CONGRESS.—For each fiscal year in which funding is appropriated to carry out this paragraph, the Secretary shall submit to Congress a report on the progress and accomplishments of the funded initiatives.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph—

“(i) \$2,000,000 for fiscal year 2017; and

“(ii) \$5,000,000 for each of fiscal years 2018 through 2027.

“(8) COORDINATION OF EFFORTS TO CREATE INTERAGENCY WOOD ENERGY POLICY REPORT.—

“(A) IN GENERAL.—The Secretary and the Administrator of the Environmental Protec-

tion Agency, in consultation with other relevant Federal agencies, shall conduct an evaluation of Federal policies as of the date of enactment of this subsection and make recommendations on how Congress can better support the industrial, commercial, and residential wood energy sectors in the United States.

“(B) REPORT.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to Congress a report on the evaluation conducted and recommendations made under subparagraph (A).

“(C) FUNDING.—There is authorized to be appropriated to carry out this paragraph \$1,000,000.

“(9) REGIONAL TECHNICAL ASSISTANCE PROGRAM.—

“(A) IN GENERAL.—The Secretary shall establish a regional woody biomass energy program that provides technical assistance to install woody bio-power or woody biomass-derived thermal energy systems for heating, cooling, or electricity at new or existing facilities.

“(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$75,000,000 for the period of fiscal years 2017 through 2026.

“(10) STRATEGIC ANALYSIS AND RESEARCH.—

“(A) IN GENERAL.—The Secretary, acting jointly with the Administrator of the Environmental Protection Agency, shall establish a woody biomass thermal and woody bio-power research program—

“(i) the costs of which shall be divided equally between the Department and the Environmental Protection Agency;

“(ii) to carry out projects and activities to advance research and analysis on the environmental, social, and economic impacts of the United States woody bio-power and woody biomass-derived thermal energy industries, including—

“(I) full accounting of greenhouse gas emissions;

“(II) net energy analysis; and

“(III) advanced modeling of future climate impacts coupled with land use changes on future forest health and biomass production;

“(iii) to provide recommendations for policy and investment in those areas; and

“(iv) to identify and assess, through a joint effort between the Secretary and the regional combined heat and power groups of the Department and the Environmental Protection Agency, the feasibility of thermally led district wood energy opportunities in all regions, including by conducting—

“(I) broad regional assessments; and

“(II) feasibility studies and preliminary engineering assessments for individual facilities.

“(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and the Administrator of the Environmental Protection Agency—

“(i) \$2,000,000 to carry out clauses (ii) and (iii) of subparagraph (A); and

“(ii) \$1,000,000 to carry out subparagraph (A)(iv).”

**SA 3320.** Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3009 and insert the following:

**SEC. 3009. LARGE-SCALE GEOTHERMAL ENERGY.**

Section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282) is amended—

(1) in subsection (b)—  
 (A) in paragraph (1), by striking “this section” and inserting “paragraph (5)”;  
 (B) in paragraph (2), by striking “this section” and inserting “this subsection”; and  
 (C) in paragraph (3)—  
 (i) in the matter preceding subparagraph (A), by inserting “or to receive a grant under subsection (c)” after “paragraph (1)”; and  
 (ii) in subparagraph (A), by striking “a grant under this section” and inserting “a grant under this subsection or subsection (c)”;  
 (2) by redesignating subsection (c) as paragraph (5), and indenting appropriately;  
 (3) in paragraph (5) (as so redesignated), by striking “this section” and inserting “this subsection”; and  
 (4) by adding at the end the following:  
 “(c) LARGE-SCALE GEOTHERMAL ENERGY.—  
 “(1) PURPOSES.—The purposes of this subsection are—  
 “(A) to improve the components, processes, and systems used for geothermal heat pumps and the direct use of geothermal energy; and  
 “(B) to increase the energy efficiency, lower the cost, increase the use, and improve and demonstrate the applicability of geothermal heat pumps to, and the direct use of geothermal energy in, large buildings, commercial districts, residential communities, and large municipal, agricultural, or industrial projects.  
 “(2) DEFINITIONS.—In this subsection:  
 “(A) DIRECT USE OF GEOTHERMAL ENERGY.—The term ‘direct use of geothermal energy’ means systems that use water that is at a temperature between approximately 38 degrees Celsius and 149 degrees Celsius directly or through a heat exchanger to provide—  
 “(i) heating to buildings; or  
 “(ii) heat required for industrial processes, agriculture, aquaculture, and other facilities.  
 “(B) GEOTHERMAL HEAT PUMP.—The term ‘geothermal heat pump’ means a system that provides heating and cooling by exchanging heat from shallow ground or surface water using—  
 “(i) a closed loop system, which transfers heat by way of buried or immersed pipes that contain a mix of water and working fluid; or  
 “(ii) an open loop system, which circulates ground or surface water directly into the building and returns the water to the same aquifer or surface water source.  
 “(C) LARGE-SCALE APPLICATION.—The term ‘large-scale application’ means an application for space or process heating or cooling for large entities with a name-plate capacity, expected resource, or rating of 10 or more megawatts, such as a large building, commercial district, residential community, or a large municipal, agricultural, or industrial project.  
 “(3) PROGRAM.—  
 “(A) IN GENERAL.—The Secretary shall establish a program of research, development, and demonstration for geothermal heat pumps and the direct use of geothermal energy.  
 “(B) AREAS.—The program may include research, development, demonstration, and commercial application of—  
 “(i) geothermal ground loop efficiency improvements through more efficient heat transfer fluids;  
 “(ii) geothermal ground loop efficiency improvements through more efficient thermal grouts for wells and trenches;  
 “(iii) geothermal ground loop installation cost reduction through—  
 “(I) improved drilling methods;  
 “(II) improvements in drilling equipment;  
 “(III) improvements in design methodology and energy analysis procedures; and

“(IV) improved methods for determination of ground thermal properties and ground temperatures;  
 “(iv) installing geothermal ground loops near the foundation walls of new construction to take advantage of existing structures;  
 “(v) using gray or black wastewater as a method of heat exchange;  
 “(vi) improving geothermal heat pump system economics through integration of geothermal systems with other building systems, including providing hot and cold water and rejecting or circulating industrial process heat through refrigeration heat rejection and waste heat recovery;  
 “(vii) advanced geothermal systems using variable pumping rates to increase efficiency;  
 “(viii) geothermal heat pump efficiency improvements;  
 “(ix) use of hot water found in mines and mine shafts and other surface waters as the heat exchange medium;  
 “(x) heating of districts, neighborhoods, communities, large commercial or public buildings (including office, retail, educational, government, and institutional buildings and multifamily residential buildings and campuses), and industrial and manufacturing facilities;  
 “(xi) geothermal system integration with solar thermal water heating or cool roofs and solar-regenerated desiccants to balance loads and use building hot water to store geothermal energy;  
 “(xii) use of hot water coproduced from oil and gas recovery;  
 “(xiii) use of water sources at a temperature of less than 150 degrees Celsius for direct use;  
 “(xiv) system integration of direct use with geothermal electricity production; and  
 “(xv) coproduction of heat and power, including on-site use.  
 “(C) ENVIRONMENTAL IMPACTS.—In carrying out the program, the Secretary shall identify and mitigate potential environmental impacts in accordance with section 614(c).  
 “(4) GRANTS.—  
 “(A) IN GENERAL.—The Secretary shall make grants available to State and local governments, institutions of higher education, nonprofit entities, utilities, and for-profit companies (including manufacturers of heat-pump and direct-use components and systems) to promote the development of geothermal heat pumps and the direct use of geothermal energy.  
 “(B) PRIORITY.—In making grants under this paragraph, the Secretary shall give priority to proposals that apply to large buildings (including office, retail, educational, government, institutional, and multifamily residential buildings and campuses and industrial and manufacturing facilities), commercial districts, and residential communities.  
 “(C) NATIONAL SOLICITATION.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall conduct a national solicitation for applications for grants under this paragraph.  
 “(5) REPORTS.—  
 “(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on progress made and results obtained under this subsection to develop geothermal heat pumps and direct use of geothermal energy.  
 “(B) AREAS.—Each of the reports required under this paragraph shall include—

“(i) an analysis of progress made in each of the areas described in paragraph (3)(B); and  
 “(ii)(I) a description of any relevant recommendations made during a review of the program; and  
 “(II) any plans to address the recommendations under subclause (I).”.

**SA 3321.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VI—SPORTSMEN AND WILDLIFE**  
**SEC. 601. TARGET PRACTICE AND MARKSMANSHIP.**

(a) PURPOSE.—The purpose of this section is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

(b) DEFINITION OF PUBLIC TARGET RANGE.—In this section, the term “public target range” means a specific location that—

- (1) is identified by a governmental agency for recreational shooting;
- (2) is open to the public;
- (3) may be supervised; and
- (4) may accommodate archery or rifle, pistol, or shotgun shooting.

(c) AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(A) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

“(A) is identified by a governmental agency for recreational shooting;

“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate archery or rifle, pistol, or shotgun shooting;”.

(2) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(A) by striking “(b) Each State” and inserting the following:

“(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State”;

(B) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(C) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) NON-FEDERAL SHARE.—The non-Federal share”;

(D) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) REGULATIONS.—The Secretary”; and

(E) by inserting after paragraph (1) (as designated by subparagraph (A)) the following:

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

(3) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(A) in subsection (a), by adding at the end the following:

“(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

(B) by striking subsection (b) and inserting the following:

“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and

(C) in subsection (c)(1)—

(i) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and

(ii) by adding at the end the following:

“(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

(d) SENSE OF CONGRESS REGARDING COOPERATION.—It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

#### SEC. 602. NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended—

(1) in paragraph (4), by striking “and”;

(2) in paragraph (5), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(6) \$50,000,000 for each of fiscal years 2016 through 2021.”.

#### SEC. 603. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATION.

(a) REAUTHORIZATION OF AFRICAN ELEPHANT CONSERVATION ACT.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking “2007 through 2012” and inserting “2016 through 2020”.

(b) REAUTHORIZATION OF RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking “2007 through 2012” and inserting “2016 through 2020”.

(c) REAUTHORIZATION OF ASIAN ELEPHANT CONSERVATION ACT OF 1997.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking “2007 through 2012” and inserting “2016 through 2020”.

(d) AMENDMENT AND REAUTHORIZATION OF GREAT APE CONSERVATION ACT OF 2000.—The Great Ape Conservation Act of 2000 is amended as follows:

(1) MULTIYEAR GRANTS.—In section 4 (16 U.S.C. 6303), by adding at the end the following new subsections:

“(j) MULTIYEAR GRANTS.—

“(1) IN GENERAL.—The Secretary may award a multiyear grant under this section to a person who is otherwise eligible for a grant under this section, to carry out a project that the person demonstrates is an effective, long-term conservation strategy for great apes and their habitats.

“(2) ANNUAL GRANTS NOT AFFECTED.—This subsection shall not be construed as precluding the Secretary from awarding grants on an annual basis.”.

(2) PANEL OF EXPERTS.—In section 4(i) (16 U.S.C. 6303(i))—

(A) in paragraph (1), by—

(i) striking “Every 2 years” and inserting “Within one year after the date of the enactment of the Energy Policy Modernization Act of 2016, and every 5 years thereafter”;

(ii) striking “may convene” and inserting “shall convene”;

(iii) inserting “and priorities” after “needs”; and

(iv) adding at the end the following new sentence: “The panel shall, to the extent practicable, include representatives from foreign range states with expertise in great ape conservation.”; and

(B) by redesignating paragraph (2) as paragraph (4), and inserting after paragraph (1) the following new paragraphs:

“(2) In identifying conservation needs and priorities under paragraph (1), the panel shall consider relevant great ape conservation plans or strategies including scientific research and findings related to—

“(A) the conservation needs and priorities of great apes;

“(B) regional or species-specific action plans or strategies;

“(C) applicable strategies developed or initiated by the Secretary; and

“(D) any other applicable conservation plan or strategy.

“(3) The Secretary, subject to the availability of appropriations, may pay expenses of convening and facilitating meetings of the panel.”.

(3) ADMINISTRATIVE EXPENSES LIMITATION.—In section 5(b)(2) (16 U.S.C. 6304(b)(2)), by striking “\$100,000” and inserting “\$150,000”.

(4) AUTHORIZATION OF APPROPRIATIONS.—In section 6 (16 U.S.C. 6305), by striking “2006 through 2010” and inserting “2016 through 2020”.

(e) AMENDMENT AND REAUTHORIZATION OF MARINE TURTLE CONSERVATION ACT OF 2004.—

(1) IN GENERAL.—The Marine Turtle Conservation Act of 2004 is amended—

(A) in sections 2(b) and 3(2) (16 U.S.C. 6601(b), 6602(2)), by inserting “and territories of the United States” after “foreign countries” each place it occurs;

(B) in section 3 (16 U.S.C. 6602) by adding at the end the following:

“(7) TERRITORY OF THE UNITED STATES.—The term ‘territory of the United States’ means each of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.”; and

(C) in section 4 (16 U.S.C. 6603)—

(i) in subsection (b)(1)(A), by inserting “or territory of the United States” after “foreign country”; and

(ii) in subsection (d) by inserting “and territories of the United States” after “foreign countries”.

(2) ADMINISTRATIVE EXPENSES LIMITATION.—Section 5(b)(2) of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6604(b)(2)) is amended by striking “\$80,000” and inserting “\$150,000”.

(3) REAUTHORIZATION.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking “each of fiscal years 2005 through 2009” and inserting “each of fiscal years 2016 through 2020”.

#### SEC. 604. NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT.

(a) BOARD OF DIRECTORS OF THE FOUNDATION.—

(1) IN GENERAL.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

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

“(2) IN GENERAL.—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

“(A) be knowledgeable and experienced in matters relating to the conservation of fish, wildlife, or other natural resources; and

“(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) TERMS.—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.”; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking “(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers” and inserting the following:

“(A) IN GENERAL.—Officers”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

“(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

“(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.”.

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking “Secretary of the Board” and inserting “Executive Director of the Board”.

(b) RIGHTS AND OBLIGATIONS OF THE FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking “(c) POWERS.—To carry out its purposes under” and inserting the following:

“(c) POWERS.—

“(1) IN GENERAL.—To carry out the purposes described in”;

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “that are insured by an agency or instrumentality of the United States” and inserting “at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation”;

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking “paragraph (3) or (4)” and inserting “subparagraph (C) or (D)”;

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking “; and” and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

“(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from



legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

“(L) to do acts necessary to carry out the purposes of the Foundation.”; and

(G) by striking the undesignated matter at the end and inserting the following:

“(2) TREATMENT OF REAL PROPERTY.—

“(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

“(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

“(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.”;

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2016 through 2021—

“(A) \$15,000,000 to the Secretary of the Interior;

“(B) \$5,000,000 to the Secretary of Agriculture; and

“(C) \$5,000,000 to the Secretary of Commerce.”;

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) AMOUNTS FROM FEDERAL AGENCIES.—

“(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide Federal funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

“(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

“(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “FUNDS” and inserting “AMOUNTS”;

(ii) by striking “shall be used” and inserting “may be used”; and

(iii) by striking “and State and local government agencies” and inserting “, State and local government agencies, and other entities”; and

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

“(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships

pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process applicable to the department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

“(i) to address an environmental emergency resulting from a natural or other disaster; or

“(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

“(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.”; and

(3) by adding at the end the following:

“(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.”.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting “exclusive” before “authority”.

#### SEC. 605. REAUTHORIZATION OF NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

##### “SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$6,500,000 for each of fiscal years 2016 through 2021.

“(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.”.

#### TITLE VII—NATIONAL FISH HABITAT CONSERVATION

##### SEC. 701. SHORT TITLE.

This title may be cited as the “National Fish Habitat Conservation Through Partnerships Act”.

##### SEC. 702. PURPOSE.

The purpose of this title is to encourage partnerships among public agencies and other interested parties to promote fish conservation—

(1) to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities by—

(A) improving ecological conditions;

(B) restoring natural processes; or

(C) preventing the decline of intact and healthy systems;

(2) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;

(3) to broaden the community of support for fish habitat conservation by—

(A) increasing fishing opportunities;

(B) fostering the participation of local communities, especially young people in local communities, in conservation activities; and

(C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;

(4) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—

(A) to empower strategic conservation actions supported by broadly available scientific information; and

(B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and

(5) to communicate to the public and conservation partners—

(A) the conservation outcomes produced collectively by Fish Habitat Partnerships; and

(B) new opportunities and voluntary approaches for conserving fish habitat.

#### SEC. 703. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) BOARD.—The term “Board” means the National Fish Habitat Board established by section 704(a)(1).

(3) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(4) EPA ASSISTANT ADMINISTRATOR.—The term “EPA Assistant Administrator” means the Assistant Administrator for Water of the Environmental Protection Agency.

(5) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) NOAA ASSISTANT ADMINISTRATOR.—The term “NOAA Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(7) PARTNERSHIP.—The term “Partnership” means a self-governed entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 705(a).

(8) REAL PROPERTY INTEREST.—The term “real property interest” means an ownership interest in—

(A) land; or

(B) water (including water rights).

(9) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(10) STATE.—The term “State” means each of the several States.

(11) STATE AGENCY.—The term “State agency” means—

(A) the fish and wildlife agency of a State; and

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or sustains the habitat for those fishery resources of the State pursuant to State law or the constitution of the State.

#### SEC. 704. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) FISH HABITAT BOARD.—There is established a board, to be known as the “National Fish Habitat Board”, whose duties are—

(A) to promote, oversee, and coordinate the implementation of this title;

(B) to establish national goals and priorities for fish habitat conservation;

(C) to approve Partnerships; and  
(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 25 members, of whom—

(A) 1 shall be a representative of the Department of the Interior;

(B) 1 shall be a representative of the United States Geological Survey;

(C) 1 shall be a representative of the Department of Commerce;

(D) 1 shall be a representative of the Department of Agriculture;

(E) 1 shall be a representative of the Association of Fish and Wildlife Agencies;

(F) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(G) 1 shall be a representative of either—

(i) Indian tribes in the State of Alaska; or

(ii) Indian tribes in States other than the State of Alaska;

(H) 1 shall be a representative of either—

(i) the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852); or

(ii) a representative of the Marine Fisheries Commissions, which is composed of—

(I) the Atlantic States Marine Fisheries Commission;

(II) the Gulf States Marine Fisheries Commission; and

(III) the Pacific States Marine Fisheries Commission;

(I) 1 shall be a representative of the Sportfishing and Boating Partnership Council;

(J) 7 shall be representatives selected from each of—

(i) the recreational sportfishing industry;

(ii) the commercial fishing industry;

(iii) marine recreational anglers;

(iv) freshwater recreational anglers;

(v) habitat conservation organizations; and

(vi) science-based fishery organizations;

(K) 1 shall be a representative of a national private landowner organization;

(L) 1 shall be a representative of an agricultural production organization;

(M) 1 shall be a representative of local government interests involved in fish habitat restoration;

(N) 2 shall be representatives from different sectors of corporate industries, which may include—

(i) natural resource commodity interests, such as petroleum or mineral extraction;

(ii) natural resource user industries; and

(iii) industries with an interest in fish and fish habitat conservation; and

(O) 1 shall be a leadership private sector or landowner representative of an active partnership.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (F) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—The initial Board will consist of representatives as described in

subparagraphs (A) through (F) of subsection (a)(2).

(B) REMAINING MEMBERS.—Not later than 60 days after the date of enactment of this Act, the representatives of the initial Board pursuant to subparagraph (A) shall appoint the remaining members of the Board described in subparagraphs (H) through (N) of subsection (a)(2).

(C) TRIBAL REPRESENTATIVES.—Not later than 60 days after the enactment of this Act, the Secretary shall provide to the Board a recommendation of not fewer than 3 tribal representatives, from which the Board shall appoint 1 representative pursuant to subparagraph (G) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(J) initially appointed to the Board—

(A) 2 shall be appointed for a term of 1 year;

(B) 2 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (G) of subsection (a)(2), the Secretary shall recommend to the Board a list of not fewer than 3 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The representative of the Association of Fish and Wildlife Agencies appointed pursuant to subsection (a)(2)(E) shall serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of  $\frac{2}{3}$  of all members;

(C) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this title;

(D) procedures for designating Partnerships under section 705; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

## SEC. 705. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO APPROVE.—The Board may approve and designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish and fish habitats;

(2) to engage local and regional communities to build support for fish habitat conservation;

(3) to involve diverse groups of public and private partners;

(4) to develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound;

(5) to leverage funding from sources that support local and regional partnerships;

(6) to use adaptive management principles, including evaluation of project success and functionality;

(7) to develop appropriate local or regional habitat evaluation and assessment measures and criteria that are compatible with national habitat condition measures; and

(8) to implement local and regional priority projects that improve conditions for fish and fish habitat.

(c) CRITERIA FOR APPROVAL.—An entity seeking to be designated as a Partnership shall—

(1) submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require; and

(2) demonstrate to the Board that the entity has—

(A) a focus on promoting the health of important fish and fish habitats;

(B) an ability to coordinate the implementation of priority projects that support the goals and national priorities set by the Board that are within the Partnership boundary;

(C) a self-governance structure that supports the implementation of strategic priorities for fish habitat;

(D) the ability to develop local and regional relationships with a broad range of entities to further strategic priorities for fish and fish habitat;

(E) a strategic plan that details required investments for fish habitat conservation that addresses the strategic fish habitat priorities of the Partnership and supports and meets the strategic priorities of the Board;

(F) the ability to develop and implement fish habitat conservation projects that address strategic priorities of the Partnership and the Board; and

(G) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership, and a clear plan as to how Partnership science and data components will be integrated with the overall Board science and data effort.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) identifies representatives to provide support and technical assistance to the Partnership from a diverse group of public and private partners, which may include State or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of fish habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important fish species and important fish habitats, including reservoirs, natural lakes, coastal and marine environments, and estuaries;



(3) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the decline in fish populations, rather than simply treating symptoms, in accordance with the goals and national priorities established by the Board; and

(7) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

#### SEC. 706. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of priority fish habitat conservation projects recommended by the Partnership for annual funding under this title.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes the description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this title for the following fiscal year.

(c) CRITERIA FOR PROJECT SELECTION.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b) after taking into consideration, at a minimum, the following information:

(1) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project.

(2) The capabilities and experience of project proponents to implement successfully the proposed project.

(3) The extent to which the fish habitat conservation project—

(A) fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this title;

(B) addresses the national priorities established by the Board;

(C) is supported by the findings of the Habitat Assessment of the Partnership or the Board, and aligns or is compatible with other conservation plans;

(D) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

(E) provides a well-defined budget linked to deliverables and outcomes;

(F) leverages other funds to implement the project;

(G) addresses the causes and processes behind the decline of fish or fish habitats; and

(H) includes an outreach or education component that includes the local or regional community.

(4) The availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(5) The extent to which the local or regional fish habitat conservation project—

(A) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(B) will be carried out through a cooperative agreement among Federal, State, and

local governments, Indian tribes, and private entities;

(C) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(D) advances the conservation of fish and wildlife species that have been identified by the States as species of greatest conservation need;

(E) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(F) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(6) The substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this title unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(C) to identify improvements to existing fish populations, recreational fishing opportunities and the overall economic benefits for the local community of the fish habitat conservation project; and

(D) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION AUTHORITIES.—

(A) IN GENERAL.—A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this title if the acquisition ensures 1 of—

(i) public access for compatible fish and wildlife-dependent recreation; or

(ii) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.

(B) STATE AGENCY APPROVAL.—

(i) IN GENERAL.—All real property interest acquisition projects funded under this title are required to be approved by the State agency in the State in which the project is occurring.

(ii) PROHIBITION.—The Board may not recommend, and the Secretary may not provide any funding for, any real property interest acquisition that has not been approved by the State agency.

(C) ASSESSMENT OF OTHER AUTHORITIES.—The Fish Habitat Partnership shall conduct a project assessment, submitted with the funding request and approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition of real property have been exhausted.

(D) RESTRICTIONS.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity, unless—

(i) the owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property; and

(ii) the Secretary and the Board determine that the State, local government, or other non-Federal entity would benefit from undertaking the management of the real prop-

erty being acquired because that is in accordance with the goals of a partnership.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this title unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from another Federal grant program; but

(B) may include in-kind contributions and cash.

(3) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this title may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of the recommended priority list of fish habitat conservation projects under subsection (b), subject to the limitations of subsection (d), and based, to the maximum extent practicable, on the criteria described in subsection (c), the Secretary, after consulting with the Secretary of Commerce on marine or estuarine projects, shall approve or reject any fish habitat conservation project recommended by the Board.

(2) FUNDING.—If the Secretary approves a fish habitat conservation project under paragraph (1), the Secretary shall use amounts made available to carry out this title to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary rejects any fish habitat conservation project recommended by the Board under subsection (b), not later than 180 days after the date of receipt of the recommendation, the Secretary shall provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the reasons that the Secretary rejected the fish habitat conservation project.

#### SEC. 707. TECHNICAL AND SCIENTIFIC ASSISTANCE.

(a) IN GENERAL.—The Director, the NOAA Assistant Administrator, the EPA Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, may provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) INCLUSIONS.—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment;

(6) ensuring the availability of experts to assist in conducting scientifically based

evaluation and reporting of the results of fish habitat conservation projects; and

(7) providing resources to secure state agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

**SEC. 708. COORDINATION WITH STATES AND INDIAN TRIBES.**

The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this title, including notification, by not later than 30 days before the date on which the activity is implemented.

**SEC. 709. INTERAGENCY OPERATIONAL PLAN.**

Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the NOAA Assistant Administrator, the EPA Assistant Administrator, the Director of the United States Geological Survey, and the heads of other appropriate Federal departments and agencies (including at a minimum, those agencies represented on the Board) shall develop an interagency operational plan that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs for the implementation of this title; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

**SEC. 710. ACCOUNTABILITY AND REPORTING.**

(a) **REPORTING.**—

(1) **IN GENERAL.**—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the progress of this title.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet, or other suitable measures of fish habitat, that was maintained or improved by partnerships of Federal, State, or local governments, Indian tribes, or other entities in the United States during the 5-year period ending on the date of submission of the report;

(B) a description of the public access to fish habitats established or improved during that 5-year period;

(C) a description of the improved opportunities for public recreational fishing; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this title during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 706(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 706(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection of a fish habitat conservation project recommended by the Board under section 706(b) that was based on a factor other than the criteria described in section 706(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) **STATUS AND TRENDS REPORT.**—Not later than December 31, 2016, and every 5 years

thereafter, the Board shall submit to the appropriate congressional committees a report that includes—

(1) a status of all Partnerships approved under this title;

(2) a description of the status of fish habitats in the United States as identified by established Partnerships; and

(3) enhancements or reductions in public access as a result of—

(A) the activities of the Partnerships; or

(B) any other activities carried out pursuant to this title.

(c) **REVISIONS.**—Not later than December 31, 2016, and every 5 years thereafter, the Board shall consider revising the goals of the Board, after consideration of each report required by subsection (b).

**SEC. 711. EFFECT OF TITLE.**

(a) **WATER RIGHTS.**—Nothing in this title—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) **AUTHORITY TO ACQUIRE WATER RIGHTS OR RIGHTS TO PROPERTY.**—Under this title, only a State, local government, or other non-Federal entity may acquire, under State law, water rights or rights to property.

(c) **STATE AUTHORITY.**—Nothing in this title—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(d) **EFFECT ON INDIAN TRIBES.**—Nothing in this title abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(e) **ADJUDICATION OF WATER RIGHTS.**—Nothing in this title diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(f) **DEPARTMENT OF COMMERCE AUTHORITY.**—Nothing in this title affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(g) **EFFECT ON OTHER AUTHORITIES.**—

(1) **PRIVATE PROPERTY PROTECTION.**—Nothing in this title permits the use of funds made available to carry out this title to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(2) **MITIGATION.**—Nothing in this title permits the use of funds made available to carry out this title for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

(3) **CLEAN WATER ACT.**—Nothing in this title affects any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including any definition in that Act.

**SEC. 712. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

**SEC. 713. FUNDING.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **FISH HABITAT CONSERVATION PROJECTS.**—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2016 through 2021 to provide funds for fish habitat conservation projects approved under section 706(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(2) **ADMINISTRATIVE AND PLANNING EXPENSES.**—There is authorized to be appropriated to the Secretary for each of fiscal years 2016 through 2021 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1)—

(A) for administrative and planning expenses; and

(B) to carry out section 210.

(3) **TECHNICAL AND SCIENTIFIC ASSISTANCE.**—There is authorized to be appropriated for each of fiscal years 2016 through 2021 to carry out, and provide technical and scientific assistance under, section 707—

(A) \$500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) \$500,000 to the NOAA Assistant Administrator for use by the National Oceanic and Atmospheric Administration;

(C) \$500,000 to the EPA Assistant Administrator for use by the Environmental Protection Agency; and

(D) \$500,000 to the Secretary for use by the United States Geological Survey.

(b) **AGREEMENTS AND GRANTS.**—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this title; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this title.

(c) **DONATIONS.**—

(1) **IN GENERAL.**—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this title; and

(B) accept donations of funds, property, and services to carry out the purposes of this title.

(2) **TREATMENT.**—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

**SA 3322.** Mr. BROWN (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 5. U.S. CIVIL RIGHTS NETWORK PROGRAM.**

(a) IN GENERAL.—Subdivision 1 of Division B of subtitle III of title 54, United States Code, is amended by inserting after chapter 3083 the following:

**“CHAPTER 3084—U.S. CIVIL RIGHTS NETWORK**

**“§ 308401. Definition of Network**

“In this chapter, the term ‘Network’ means the U.S. Civil Rights Network established under section 308402(a).

**“§ 308402. U.S. Civil Rights Network**

“(a) IN GENERAL.—The Secretary shall establish, within the Service, a program to be known as the ‘U.S. Civil Rights Network’.

“(b) DUTIES OF SECRETARY.—In carrying out the Network, the Secretary shall—

“(1) review studies and reports to complement and not duplicate studies of the historical importance of the African American civil rights movement that may be underway or completed, such as the Civil Rights Framework Study;

“(2) produce and disseminate appropriate educational materials relating to the African American civil rights movement, such as handbooks, maps, interpretive guides, or electronic information;

“(3) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and

“(4)(A) create and adopt an official, uniform symbol or device for the Network; and

“(B) issue regulations for the use of the symbol or device adopted under subparagraph (A).

“(c) ELEMENTS.—The Network shall encompass the following elements:

“(1) All units and programs of the Service that are determined by the Secretary to relate to the African American civil rights movement during the period from 1939 through 1968.

“(2) Other Federal, State, local, and privately owned properties that—

“(A) relate to the African American civil rights movement;

“(B) have a verifiable connection to the African American civil rights movement; and

“(C) are included in, or determined by the Secretary to be eligible for inclusion in, the National Register of Historic Places.

“(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the African American civil rights movement.

**“§ 308403. Cooperative agreements and memoranda of understanding**

“To achieve the purposes of this chapter and to ensure effective coordination of the Federal and non-Federal elements of the Network described in section 308402(c) with System units and programs of the Service, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to the heads of other Federal agencies, States, units of local government, regional governmental bodies, and private entities.”.

(b) CLERICAL AMENDMENT.—The table of chapters for title 54, United States Code, is

amended by inserting after the item relating to chapter 3083 the following:

“3084. U.S. Civil Rights Network.”.

**SA 3323.** Ms. STABENOW (for herself, Mr. INHOFE, Mr. PETERS, Mr. PORTMAN, Mr. BROWN, Mr. KIRK, Mr. REED, Mr. BURR, Mr. DURBIN, Mrs. BOXER, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 4470, to amend the Safe Drinking Water Act with respect to the requirements related to lead in drinking water, and for other purposes; which was ordered to lie on the table; as follows:

Strike out all after the enacting clause, and insert the following:

**TITLE —PREVENTION OF AND PROTECTION FROM LEAD EXPOSURE**

**SEC. 01. DRINKING WATER INFRASTRUCTURE.**

(a) DEFINITIONS.—In this section:

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

(2) ELIGIBLE STATE.—The term “eligible State” means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(3) ELIGIBLE SYSTEM.—The term “eligible system” means a public drinking water supply system that is the subject of an emergency declaration referred to in paragraph (2).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j-12(d)); and

(B) eligible to receive loans with additional subsidization under that Act (42 U.S.C. 300f et seq.), including forgiveness of principal under section 1452(d)(1) of that Act (42 U.S.C. 300j-12(d)(1)).

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (e)(1)(A), an eligible State may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(B) INCLUSION.—Assistance provided under subparagraph (A) may include additional subsidization under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), as described in paragraph (1)(B).

(C) EXCLUSION.—Assistance provided under subparagraph (A) shall not include assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-12(d)(2)) shall not apply to—

(A) any funds provided under subsection (e)(1)(A); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—Using funds provided under subsection (e)(2)(A), the Administrator may make a secured loan under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) to—

(i) an eligible State to carry out a project eligible under paragraphs (2) through (9) of section 5026 of that Act (33 U.S.C. 3905) to address lead or other contaminants in drinking water in an eligible system, including repair and replacement of public and private drinking water infrastructure; and

(ii) any eligible entity under section 5025 of that Act (33 U.S.C. 3904) for a project eligible under paragraphs (2) through (9) of section 5026 of that Act (33 U.S.C. 3905).

(B) AMOUNT.—Notwithstanding section 5029(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(2)), the amount of a secured loan provided under subparagraph (A)(i) may be equal to not more than 80 percent of the reasonably anticipated costs of the projects.

(2) FEDERAL INVOLVEMENT.—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(9)), any costs for a project to address lead or other contaminants in drinking water in an eligible system that are not covered by a secured loan under paragraph (1) may be covered using amounts in the State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12).

(d) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(e) FUNDING.—

(1) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall make available to the Administrator a total of \$100,000,000 to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12), to be available during the period of fiscal years 2016 and 2017 for the purposes described in subsection (b)(2).

(B) SUPPLEMENTED INTENDED USE PLANS.—From funds made available under subparagraph (A), the Administrator shall obligate to an eligible State such amounts as are necessary to meet the needs identified in a supplemented intended use plan by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j-12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(iii) the estimated cost of the project; and

(iv) the projected start date for construction of the project.

(C) UNOBLIGATED AMOUNTS.—Any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 18 months after the date on which the amounts are made available shall be available to provide additional grants to States to capitalize State loan funds as provided under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12).

(D) APPLICABILITY.—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j-12(b)(1)) shall not apply to a supplement to an intended use plan under subparagraph (B).

(2) WIFIA FUNDING.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the

Secretary of the Treasury shall make available to the Administrator \$70,000,000 to provide credit subsidies, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) with a goal of providing secured loans totaling at least \$700,000,000.

(B) USE.—Secured loans provided pursuant to subparagraph (A) shall be available to carry out activities described in subsection (c)(1)(A).

(3) APPLICABILITY.—Unless explicitly waived, all requirements under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(f) HEALTH EFFECTS EVALUATION.—

(1) IN GENERAL.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall in coordination with other agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water in the affected communities.

(2) CONSULTATIONS.—Pursuant to section 104(i)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(4)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall provide consultations regarding health issues described in paragraph (1).

#### SEC. 02. LOAN FORGIVENESS.

The matter under the heading “STATE AND TRIBAL ASSISTANCE GRANTS” under the heading “ENVIRONMENTAL PROTECTION AGENCY” in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114-113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: “or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients.”

#### SEC. 03. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)) is amended—

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

“(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis.”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

“(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A)

shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.”;

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

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

“(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

“(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of being notified by the primary agency of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

“(B) RESULTS OF LEAD MONITORING.—

“(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

“(I) any person that is served by the public water system; or

“(II) the local or State health department of a locality or State in which the public water system is located.

“(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

“(I) press release; or

“(II) other form of communication, including local media.

“(C) PRIVACY.—Notice to the public shall protect the privacy of individual customer information.”.

(b) CONFORMING AMENDMENTS.—Section 1414 (c) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)) is amended—

(1) in paragraph (1)(C), by striking “paragraph (2)(E)” and inserting “paragraph (2)(F)”;

(2) in paragraph (2)(B)(i)(II), by striking “subparagraph (D)” and inserting “subparagraph (E)”;

(3) in paragraph (3)(B), in the first sentence, by striking “(D)” and inserting “(E)”.

#### SEC. 04. REGISTRY FOR LEAD EXPOSURE AND ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means a city exposed to lead contamination in the local drinking water system.

(2) COMMITTEE.—The term “Committee” means the Advisory Committee established under subsection (c).

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(b) LEAD EXPOSURE REGISTRY.—The Secretary shall establish within the Agency for Toxic Substances and Disease Registry or another relevant agency at the discretion of the Secretary, or establish through a grant award or contract, a lead exposure registry to collect data on the lead exposure of residents of a City on a voluntary basis.

(c) ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Secretary shall establish an Advisory Committee in coordination with the Director of the Centers for Disease Control and Prevention and other relevant agencies as determined by the Secretary consisting of Federal members and non-Federal members, and which shall include—

(i) an epidemiologist;

(ii) a toxicologist;

(iii) a mental health professional;

(iv) a pediatrician;

(v) an early childhood education expert;

(vi) a special education expert;

(vii) a dietician; and

(viii) an environmental health expert.

(B) REQUIREMENTS.—Membership in the Committee shall not exceed 15 members and not less than ½ of the members shall be Federal members.

(2) CHAIR.—The Secretary shall designate a chair from among the Federal members appointed to the Committee.

(3) TERMS.—Members of the Committee shall serve for a term of not more than 3 years and the Secretary may reappoint members for consecutive terms.

(4) APPLICATION OF FACAA.—The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(5) RESPONSIBILITIES.—The Committee shall, at a minimum—

(A) review the Federal programs and services available to individuals and communities exposed to lead;

(B) review current research on lead poisoning to identify additional research needs;

(C) review and identify best practices, or the need for best practices, regarding lead screening and the prevention of lead poisoning;

(D) identify effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in subsection (b); and

(E) undertake any other review or activities that the Secretary determines to be appropriate.

(6) REPORT.—Annually for 5 years and thereafter as determined necessary by the Secretary or as required by Congress, the Committee shall submit to the Secretary, the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report that includes—

(A) an evaluation of the effectiveness of the Federal programs and services available to individuals and communities exposed to lead;

(B) an evaluation of additional lead poisoning research needs;

(C) an assessment of any effective screening methods or best practices used or developed to prevent or screen for lead poisoning;

(D) input and recommendations for improved access to effective services relating to healthcare, education, or nutrition for individuals and communities impacted by lead exposure; and

(E) any other recommendations for communities affected by lead exposure, as appropriate.

(d) MANDATORY FUNDING.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary, to be available during the period of fiscal years 2016 through 2020—

(A) \$17,500,000 to carry out subsection (b); and

(B) \$2,500,000 to carry out subsection (c).

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subsections (b) and (c) the funds transferred under subparagraphs (A) and (B) of paragraph (1), respectively, without further appropriation.

**SEC. 05. ADDITIONAL FUNDING FOR CERTAIN CHILDHOOD LEAD POISONING PROGRAMS.**

(a) CHILDHOOD LEAD POISONING PREVENTION PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Director of the Centers for Disease Control and Prevention, to be available during the period of fiscal years 2017 and 2018, \$10,000,000 for the childhood lead poisoning prevention program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b-1).

(2) RECEIPT AND ACCEPTANCE.—The Director of the Centers for Disease Control and Prevention shall be entitled to receive, shall accept, and shall use to carry out the childhood lead poisoning prevention program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b-1) the funds transferred under paragraph (1), without further appropriation.

(b) HEALTHY HOMES PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Housing and Urban Development, to be available during the period of fiscal years 2017 and 2018, \$10,000,000 to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Housing and Urban Development shall be entitled to receive, shall accept, and shall use to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development the funds transferred under paragraph (1), without further appropriation.

(c) HEALTHY START PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Health Resources and Services Administration, to be available during the period of fiscal years 2017 and 2018, \$10,000,000 to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c-8).

(2) RECEIPT AND ACCEPTANCE.—The Administrator of the Health Resources and Services Administration shall be entitled to receive, shall accept, and shall use to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c-8) the funds transferred under paragraph (1), without further appropriation.

**SEC. 06. REVIEW AND REPORT.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

(b) REVIEW.—Not later than 30 days after the completion of the investigations described in subsection (a), the Comptroller General of the United States shall commence a review of issues that are not addressed by the investigations and relating to—

(1) the adequacy of the response by the State of Michigan and the City of Flint to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response, as well as the capacity of the

State and City to manage the drinking water system; and

(2) the adequacy of the response by Region 5 of the Environmental Protection Agency to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response.

(c) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (b), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to take any actions to prevent a similar situation in the future and to protect public health.

**SEC. 07. OFFSET.**

None of the funds available to the Secretary of Energy to provide any credit subsidy under subsection (d) of section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) as of the date of enactment of this Act shall be obligated for new loan commitments under that subsection on or after October 1, 2020.

**AUTHORITY FOR COMMITTEES TO MEET****COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 24, 2016, at 10 a.m., in room SD-406 of the Dirksen Senate Office Building, to conduct a hearing entitled “Oversight of the Renewable Fuel Standard.”

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 24, 2016, at 10 a.m., to conduct a hearing entitled “Ending Modern Slavery: Now is the Time.”

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on February 24, 2016, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building to conduct a hearing entitled “Zika Virus: Addressing the Growing Public Health Threat.”

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

**COMMITTEE ON VETERANS' AFFAIRS**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on February 24, 2016, at 10 a.m., in room SH-216 of the Hart Senate Office Building.

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

**SPECIAL COMMITTEE ON AGING**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Special

Committee on Aging be authorized to meet during the session of the Senate on February 24, 2016, at 2:30 p.m., in room SD-562 of the Dirksen Senate Office Building, to conduct a hearing entitled “Opioid Use Among Seniors: Issues and Emerging Trends.”

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

**SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on February 24, 2016, at 2:30 p.m.

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

**SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Regulatory Affairs and Federal Management of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 24, 2016, at 10:30 a.m., to conduct a hearing entitled “The Unfunded Mandates Reform Act: Opportunities for Improvement to Support State and Local Governments.”

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

**PRIVILEGES OF THE FLOOR**

Ms. HIRONO. Mr. President, I ask unanimous consent that the privileges of the floor be granted to Manisha Gupta, a fellow on my staff for the remainder of the 114th Congress.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Bayley Sandy, be granted privileges of the floor for the remainder of the day.

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

**UNANIMOUS CONSENT AGREEMENT—S. RES. 374**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 1:45 p.m. tomorrow, Thursday, February 25, the Senate proceed to consideration of S. Res. 374, which is at the desk, and I ask that it be held, and that the Senate then vote on the resolution, and that if the resolution is 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.

**ORDER FOR PRINTING OF TRIBUTES**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senators be permitted to submit tributes to Justice Scalia for the RECORD until March