

H.R. 4300. A bill to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes (Rept. No. 115-216).

By Mr. CORCKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble: S. Res. 224. A resolution recognizing the 57th anniversary of the death of Oswaldo Paya Sardinias, and commemorating his legacy and commitment to democratic values and principles.

S. Res. 376. A resolution urging the Governments of Burma and Bangladesh to ensure the safe, dignified, voluntary, and sustainable return of the Rohingya refugees who have been displaced by the campaign of ethnic cleansing conducted by the Burmese military.

**INTRODUCTION OF BILLS AND JOINT RESOLUTIONS**

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. ERNST:

S. 2581. A bill to amend title 5, United States Code, to provide for a 2-year prohibition on employment in a career civil service position for any former political appointee, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. WARREN (for herself, Ms. HASSAN, Mr. SANDERS, Ms. HARRIS, Ms. BALDWIN, and Mrs. GILLIBRAND):

S. 2582. A bill to provide health insurance reform, and for other purposes; to the Committee on Finance.

By Mr. RUBIO (for himself and Mr. COTTON):

S. 2583. A bill to amend the Foreign Agents Registration Act of 1938 to limit the exemption from the registration requirements of such Act for persons engaging in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or the fine arts to activities which do not promote the political agenda of a foreign government, to amend the Higher Education Act of 1965 to clarify the disclosures of foreign gifts by institutions, and for other purposes; to the Committee on Foreign Relations.

By Ms. BALDWIN (for herself, Mr. BENNET, Mr. BOOKER, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HASSAN, Ms. HEITKAMP, Ms. HIRONO, Mr. JONES, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MURPHY, Mrs. MURRAY, Mr. REED, Ms. SMITH, Ms. STABENOW, Ms. WARREN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. CANTWELL, Ms. DUCKWORTH, Ms. HARRIS, Mr. MERKLEY, Mr. SANDERS, Mr. SCHATZ, Mrs. SHAHEEN, Mr. UDALL, Mr. VAN HOLLEN, and Mr. WYDEN):

S. 2584. A bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DONNELLY (for himself and Mr. PORTMAN):

S. 2585. A bill to amend the Water Resources Development Act of 2000 to permanently extend the authority of the Secretary of the Army to accept and expend funds from certain entities to process permits; to the Committee on Environment and Public Works.

By Mr. CORNYN (for himself, Mr. HATCH, Mr. SULLIVAN, and Mrs. FISCHER):

S. 2586. A bill to amend the Federal Water Pollution Control Act to increase the ability of a State to administer a permit program under that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORNYN (for himself, Mr. HATCH, and Mr. SULLIVAN):

S. 2587. A bill to amend the Endangered Species Act of 1973 to establish a program to allow States to assume certain Federal responsibilities under that Act with respect to agency actions applicable to highway projects within the States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORNYN (for himself, Mr. HATCH, and Mr. SULLIVAN):

S. 2588. A bill to amend title 54, United States Code, to establish a program to allow States to assume certain Federal responsibilities under that title with respect to agency actions applicable to highway projects within the States, and for other purposes; to the Committee on Environment and Public Works.

**ADDITIONAL COSPONSORS**

S. 283

At the request of Ms. WARREN, her name was added as a cosponsor of S. 283, a bill to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, and for other purposes.

S. 292

At the request of Mr. REED, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 292, a bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

S. 307

At the request of Mrs. ERNST, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 307, a bill to enhance the database of emergency response capabilities of the Department of Defense.

S. 427

At the request of Mr. SANDERS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 427, a bill to enhance Social Security benefits and ensure the long-term solvency of the Social Security program.

S. 1400

At the request of Ms. BALDWIN, her name was added as a cosponsor of S. 1400, a bill to amend title 18, United States Code, to enhance protections of Native American tangible cultural heritage, and for other purposes.

S. 1539

At the request of Ms. KLOBUCHAR, the names of the Senator from Alabama (Mr. JONES) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1539, a bill to protect victims of stalking from gun violence.

S. 1693

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 1693, a bill to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

At the request of Mr. PORTMAN, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 1693, supra.

S. 1756

At the request of Mr. SULLIVAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1756, a bill to improve the processes by which environmental documents are prepared and permits and applications are processed and regulated by Federal departments and agencies, and for other purposes.

S. 2135

At the request of Mr. CORNYN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2135, a bill to enforce current law regarding the National Instant Criminal Background Check System.

S. 2278

At the request of Ms. HEITKAMP, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to provide grants to improve health care in rural areas.

S. 2492

At the request of Mr. TOOMEY, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Alabama (Mr. JONES) were added as cosponsors of S. 2492, a bill to provide for the reporting to State and local law enforcement authorities of cases in which the national instant criminal background check system indicates that a firearm has been sought to be acquired by a prohibited person, so that authorities may pursue criminal charges under State law, and to ensure that the Department of Justice reports to Congress on prosecutions secured against prohibited persons who attempt to acquire a firearm.

S. 2513

At the request of Mr. ALEXANDER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2513, a bill to improve school safety and mental health services.

S. 2572

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2572, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. HATCH, Mr. SULLIVAN, and Mrs. FISCHER):

S. 2586. A bill to amend the Federal Water Pollution Control Act to increase the ability of a State to administer a permit program under that Act, and for other purposes; to the Committee on Environment and Public Works.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2586

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. STATE ADMINISTRATION OF CERTAIN PERMITS UNDER FEDERAL WATER POLLUTION CONTROL ACT.**

Section 404(g) of the Federal Water Pollution Control Act (33 U.S.C. 1344(g)) is amended—

(1) in paragraph (1), in the second sentence, by striking “In addition, such State” and inserting the following:

“(B) REQUIREMENT.—In submitting a proposal to the Administrator under subparagraph (A), the State”;

(2) by striking the subsection designation and all that follows through “The Governor” in the first sentence of paragraph (1) and inserting the following:

“(g) STATE ADMINISTRATION.—

“(1) STATE PERMIT PROGRAM.—

“(A) IN GENERAL.—The Governor”;

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

“(C) APPLICATIONS BY CERTAIN STATE DEPARTMENTS OF TRANSPORTATION.—

“(i) IN GENERAL.—A State department of transportation that has assumed the responsibilities of the Secretary of Transportation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the surface transportation project delivery program under section 327 of title 23, United States Code, may apply to the Administrator to administer an individual and general permit program under subparagraph (A) with respect to highway projects subject to that assumption of responsibility.

“(ii) TREATMENT.—For the purpose of this subsection, a reference to a State shall be deemed to include a State department of transportation described in clause (i).”.

By Mr. CORNYN (for himself, Mr. HATCH, and Mr. SULLIVAN):

S. 2587. A bill to amend the Endangered Species Act of 1973 to establish a program to allow States to assume certain Federal responsibilities under that Act with respect to agency actions applicable to highway projects within the States, and for other purposes; to the Committee on Environment and Public Works.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2587

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ASSUMPTION BY STATES OF CERTAIN ESA RESPONSIBILITIES.**

(a) IN GENERAL.—The Endangered Species Act of 1973 is amended by inserting after section 6 (16 U.S.C. 1535) the following:

**“SEC. 6A. ASSUMPTION BY STATES OF CERTAIN RESPONSIBILITIES RELATING TO HIGHWAY PROJECTS.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall carry out an assignment program (referred to in this section as the ‘program’) to allow States to assume certain responsibilities of the Secretary with respect to agency actions applicable to highway projects within the State.

“(2) ASSUMPTION OF RESPONSIBILITY.—

“(A) IN GENERAL.—Subject to the other requirements of this section, on written agreement of the Secretary and a State (which may be in the form of a memorandum of understanding), the Secretary may assign, and the State may assume, the responsibilities of the Secretary under subsections (a) and (b) of section 7 with respect to agency actions (as defined in subsection (a)(2) of that section) that are applicable to 1 or more highway projects in the State.

“(B) ADDITIONAL RESPONSIBILITY.—

“(i) IN GENERAL.—If a State assumes responsibility under subparagraph (A)—

“(I) the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary described in that subparagraph for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of highway projects described in the agreement referred to in that subparagraph; and

“(II) subject to clause (ii), on the request of the State, the Secretary may also assign to the State, and the State may assume, the responsibilities of the Secretary described in that subparagraph for 1 or more railroad, public transportation, or multimodal projects within the State.

“(ii) EXCLUSION OF PROJECTS.—In any State that assumes a responsibility of the Secretary under clause (i)(II), a recipient of assistance under chapter 53 of title 49, United States Code, may submit to the Secretary a request that the Secretary shall maintain the responsibility of the Secretary with respect to 1 or more public transportation projects carried out by the recipient in the State.

“(C) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if the responsibility were carried out by the Secretary.

“(D) FEDERAL RESPONSIBILITY.—Any responsibility of the Secretary that is not explicitly assumed by a State by written agreement under this section shall remain the responsibility of the Secretary.

“(E) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of a Federal agency (other than the United States Fish and Wildlife Service), except with respect to an authority delegated by the Secretary pursuant to subparagraph (A) under applicable law regarding a project or agency action described in subparagraph (A) or (B).

“(F) PRESERVATION OF FLEXIBILITY.—The Secretary may not require a State, as a condition of participation in the program, to forgo a project delivery method that is otherwise permissible for a project described in subparagraph (A) or (B).

“(G) LEGAL FEES.—A State that assumes a responsibility of the Secretary under this section for a project described in subparagraph (A) or (B) may use funds apportioned

to the State under section 104(b)(2) of title 23, United States Code, as necessary, for attorneys’ fees directly attributable to eligible activities associated with the project.

“(b) STATE PARTICIPATION.—

“(1) PARTICIPATING STATES.—To be eligible to participate in the program, a State shall—

“(A) be participating in the surface transportation project delivery program under section 327 of title 23, United States Code; and

“(B) assume the responsibilities of the Secretary of Transportation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) pursuant to that section.

“(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the Secretary shall amend, as appropriate, regulations that establish requirements relating to information required in any application of a State to participate in the program, including, at a minimum—

“(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the program;

“(B) verification of the financial resources necessary to carry out the authority that may be granted under the program; and

“(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the program, including copies of comments received from that solicitation.

“(3) PUBLIC NOTICE.—

“(A) IN GENERAL.—Each State that submits an application in accordance with the regulations described in paragraph (2) shall give notice of the intent of the State to participate in the program by not later than 30 days before the date of submission of the application.

“(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice requirements of the State.

“(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under this subsection only if—

“(A) any necessary changes to regulations pursuant to paragraph (2) have been carried out;

“(B) the Secretary determines that the State has the capability, including financial and personnel, to assume the responsibility; and

“(C) the head of the State agency with primary jurisdiction over highway matters enters into a written agreement with the Secretary, as described in subsection (c).

“(5) OTHER FEDERAL AGENCY VIEWS.—If a State applies to assume a responsibility of the Secretary that would have required the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency before approving the application of the State under this subsection.

“(c) WRITTEN AGREEMENT.—A written agreement under this section shall—

“(1) be executed by—

“(A) the Governor of the applicable State; or

“(B) the top-ranking transportation official in the State who is charged with responsibility for highway construction;

“(2) be in such form as the Secretary may require;

“(3) provide that the State—

“(A) agrees to assume all or part of the responsibilities of the Secretary referred to in subsection (a);

“(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge,